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VIGILANTE DAYS AND WAYS.

VOL. I.

BY THE SAME AUTHOR

WITH ILLUSTRATIONS

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THE ASCENT OF MOUNT HAYDEN in *Scribner's Magazine*

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A PACK TRAIN—CINCHING.

VIGILANTE DAYS AND WAYS

THE PIONEERS OF THE ROCKIES

THE MAKERS AND MAKING OF MONTANA, IDAHO, OREGON, WASHINGTON, AND WYOMING

By

Nathaniel Pitt Langford

WITH PORTRAITS AND ILLUSTRATIONS

IN TWO VOLUMES

VOL. I

D. D. Merrill Company

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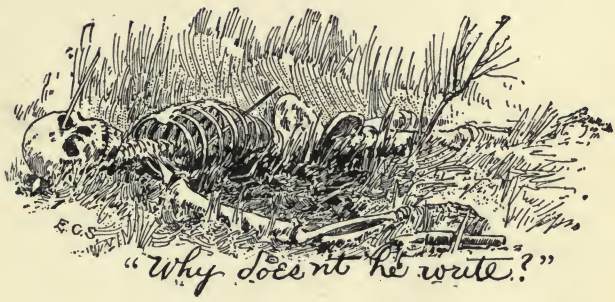

THIS BOOK IS DEDICATED TO

THE MEMORY OF THOSE

Unknown Pioneers

WHO LOST THEIR LIVES IN LAYING

THE FOUNDATIONS OF THE

Empire

OF THE

New Great West.

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Designed and engraved under the supervision of

George T. Andrew.

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INTRODUCTION.

IT is stated, on good authority, that soon after the first appearance of Schiller's drama of "The Robbers" a number of young men, charmed with the character of Charles De Moor, formed a band and went to the forests of Bohemia to engage in brigand life. I have no fear that such will be the influence of this volume. It deals in facts. Robber life as delineated by the vivid fancy of Schiller, and robber life as it existed in our mining regions, were as widely separated as fiction and truth. No one can read this record of events, and escape the conviction that an honest, laborious, and well-meaning life, whether successful or not, is preferable to all the temporary enjoyments of a life of recklessness and crime. The truth of the adage that "Crime carries with it its own punishment" has never received a more powerful vindication than at the tribunals erected by the people of the North-West mines for their own protection. No sadder commentary

could have stained our civilization than to permit the numerous and bloody crimes committed in the early history of this portion of our country to go unwhipped of justice. And the fact that they were promptly and thoroughly dealt with stands among the earliest and noblest characteristics of a people which derived their ideas of right and of self-protection from that spirit of the law that flows spontaneously from our free institutions. The people bore with crime until punishment became a duty and neglect a crime. Then, at infinite hazard of failure, they entered upon the work of purgation with a strong hand—and in the briefest possible time established the supremacy of law. The robbers and murderers of the mining regions, so long defiant of the claims of peace and safety, were made to hold the gibbet in greater terror there than in any other portion of our country.

Up to this time, fear of punishment had exercised no restraining influence on the conduct of men who had organized murder and robbery into a steady pursuit. They hesitated at no atrocity necessary to accomplish their guilty designs. Murder with them was resorted to as the most available means of concealing robbery, and the two crimes were generally coincident. The coun-

try, filled with cañons, gulches, and mountain passes, was especially adapted to their purposes, and the unpeopled distances between mining camps afforded ample opportunity for carrying them into execution. Pack trains and companies, stage coaches and express messengers, were as much exposed as the solitary traveller, and often selected as objects of attack. Miners, who had spent months of hard labor in the placers in the accumulation of a few hundreds of dollars, were never heard of after they left the mines to return to their distant homes. Men were daily and nightly robbed and murdered in the camps. There was no limit to this system of organized brigandage.

When not engaged in robbery, this criminal population followed other disreputable pursuits. Gambling and licentiousness were the most conspicuous features of every mining camp, and both were but other species of robbery. Worthless women taken from the stews of cities plied their vocation in open day, and their bagnios were the lures where many men were entrapped for robbery and slaughter. Dance-houses sprung up as if by enchantment, and every one who sought an evening's recreation in them was in some way relieved of the money he took there. Many good men who dared to give expression to the feelings

of horror and disgust which these exhibitions inspired, were shot down by some member of the gang on the first opportunity. For a long time these acts were unnoticed, for the reason that the friends of law and order supposed the power of evil to be in the ascendant. Encouraged by this impunity the ruffian power increased in audacity, and gave utterance to threats against all that portion of the community which did not belong to its organization. An issue involving the destruction of the good or bad element actually existed at the time that the people entered upon the work of punishment.

I offer these remarks, not in vindication of all the acts of the vigilantes, but of so many of them as were necessary to establish the safety and protection of the people. The reader will find among the later acts of some of the individuals claiming to have exercised the authority of the vigilantes some executions of which he cannot approve. For these persons I can offer no apology. Many of these were worse men than those they executed. Some were hasty and inconsiderate, and while firm in the belief they were doing right, actually committed grievous offences. Unhappily for the vigilantes, the acts of these men have been recalled to justify an opinion abroad, prejudicial

to the vigilante organization. Nothing could be more unjust. The early vigilantes were the best and most intelligent men in the mining regions. They saw and felt that, in the absence of all law, they must become a "law unto themselves," or submit to the bloody code of the banditti by which they were surrounded, and which was increasing in numbers more rapidly than themselves. Every man among them realized from the first the great delicacy and care necessary in the management of a society which assumed the right to condemn to death a fellow-man. And they now refer to the history of all those men who suffered death by their decree as affording ample justification for the severity of their acts. What else could they do? How else were their own lives and property, and the lives and property of the great body of peaceable miners in the placers to be preserved? What other protection was there for a country entirely destitute of law?

Let those who would condemn these men try to realize how they would act under similar circumstances, and they will soon find everything to approve and nothing to condemn in the transactions of the early vigilantes. I have endeavored to narrate nothing but facts, and these will enable every reader to judge correctly of the merits of each case.

I would fain believe that this history, bloody as it is, will prove both interesting and instructive. In all that concerns crime of the blackest dye on the one hand, and love for law and order on the other, it stands without a parallel in the annals of any people. Nowhere else, nor at any former period since men became civilized, have murder and robbery and social vice presented an organized front, and offered an open contest for supremacy to a large civilized community. Their works for centuries have been done by stealth, in darkness, and as far away from society as possible. I cannot now remember the instance, within the past three hundred years, when the history of any country records the fact that the criminal element of an entire community, numbering thousands, was believed to be greater than the peaceful element. Yet it was so here. And when the vigilantes of Montana entered upon their work, they did not know how soon they might have to encounter a force numerically greater than their own.

In my view the moral of this history is a good one. The brave and faithful conduct of the vigilantes furnishes an example of American character, from a point of view entirely new. We know what our countrymen were capable of doing when ex-

posed to Indian massacre. We have read history after history recording the sufferings of early pioneers in the East, South, and West, but what they would do when surrounded by robbers and assassins, who were in all civil aspects like themselves, it has remained for the first settlers of the North Western mines to tell. And that they did their work well, and showed in every act a love for law, order, and for the moral and social virtues in which they had been educated, and a regard for our free institutions, no one can doubt who rightly appreciates the motives which actuated them.

A people who had not been reared to respect law and order, and to regard the privileges which flow from a free government as greater than all others, in the regulation of society, would have been restrained by fear from any such united and thorough effort as that which in Montana actually scourged crime out of existence, and secured to an unorganized community all the immunities and blessings of good government. The terror which popular justice inspired in the criminal population has never been forgotten. To this day crime has been less frequent in occurrence in Montana than in any other of the new territories, and no banded criminals have made that territory an abiding place.

Although not the first exhibition of vigilante justice, the one I here record was the most thorough and severe, and stands as an example for all new settlements that in the future may be similarly afflicted, for it was not until driven to it both by the frequent and unremitting villanies of the ruffians, and by the necessities of a condition for which there was no law in existence, that the people resorted to measures of their own, and made and enforced laws suited to the exigency. But enough! If the history fails to remove the prejudices of my readers, nothing I can say will do so. It speaks for itself, and though there are a few of its later occurrences I would gladly blot, there is nothing in its early transactions, nothing in the design it unfolds, nothing in the results which have followed, that on a similar occasion I would not wish to see reproduced.

VIGILANTE DAYS AND WAYS.

CHAPTER I.

SPANISH INTRIGUES.

THE MISSISSIPPI RIVER — FORESIGHT OF WASHINGTON — DISSATISFACTION OF WESTERN SETTLERS — PROPHECIES OF NAVARRO — UNION IN DANGER — JEALOUSY OF SPANISH AUTHORITIES — WILKINSON'S INTRIGUES — STATE OF FRANKLAND — INVASION OF LOUISIANA THREATENED — FRENCH JACOBIN INTRIGUE — GENET'S PLANS — TREATY OF MADRID — NAPOLEON PONTALBA'S MEMOIR — TREATY OF ST. ILDEPHONSO.

"THE Mississippi river," says Bancroft, "is the guardian and the pledge of the union of the States of America. Had they been confined to the eastern slope of the Alleghanies, there would have been no geographical unity between them; and the thread of connection between lands that merely fringed the Atlantic must soon have been sundered. The father of rivers gathers his waters from all the clouds that break between the Alle-

ghanies and the farthest ranges of the Rocky Mountains. The ridges of the eastern chain bow their heads at the north and the south, so that long before science became the companion of man, Nature herself pointed out to the barbarous races how short portages join his tributary waters to those of the Atlantic coast. At the other side his mightiest arm interlocks with the arms of the Oregon and the Colorado; and, by the conformation of the earth itself, marshals highways to the Pacific. From his remotest springs he refuses to suffer his waters to be divided; but as he bears them all to the bosom of the ocean, the myriads of flags that wave above his head are all the ensigns of one people. States larger than kingdoms flourish where he passes; and beneath his step cities start into being, more marvellous in their reality than the fabled creations of enchantment. His magnificent valley, lying in the best part of the temperate zone, salubrious and wonderfully fertile, is the chosen muster-ground of the various elements of human culture brought together by men, summoned from all the civilized nations of the earth, and joined in the bonds of common citizenship by the strong invincible attraction of republican freedom. Now that science has come to be the household friend of

trade and commerce and travel, and that Nature has lent to wealth and intellect the use of her constant forces, the hills, once walls of division, are scaled or pierced or levelled; and the two oceans, between which the republic has unassailably intrenched itself against the outward world, are bound together across the continent by friendly links of iron. From the grandeur of destiny, foretold by the possession of that river and the lands drained by its waters, the Bourbons of Spain, hoping to act in concert with Great Britain as well as France, would have excluded the United States, totally and forever."

In the early days of our republic the great national artery, so justly eulogized by our leading historian, was the fruitful cause of the most dangerous intrigues, aimed at the perpetuity of our Union. The inhabitants of the Ohio and Mississippi valleys, cut off by the Appalachian range from all commercial intercourse with the Atlantic seaboard, were necessarily dependent upon the Mississippi for access to the markets of the world. The mouth of that river was, as to them, the threshold of subsistence. Extensive possessions, richness of soil, and immensity of production, were of little value, without the means which this great channel alone afforded

for the establishment of commercial relations with other nations. The most prolific, as well as most unbounded, region of varied agricultural production in the world was comparatively valueless without this single convenience.

At the time whereof I write the mouth of the Mississippi and the country adjacent was owned and controlled by Spain, then a powerful nation, jealous of her possessions in America, and unfriendly to the young republic which had suddenly sprung into existence on the northern borders of her empire. She had assented to the stipulation in the treaty between Great Britain, the United States, and herself in 1783, in which the independence of our country was recognized, that the navigation of the Mississippi from its source to its mouth should be and remain forever free and open to the subjects of Great Britain and the citizens of the United States. The privilege, sufficient for ordinary purposes in time of peace, was liable at any moment and on almost any pretence, as we shall hereafter see, to be absolutely denied, or to be hampered with oppressive duties, or to be used for purposes dangerous to the very existence of our government.

The first individual to see the evils which

might flow from a dependence upon this outlet to the ocean by the people living west of the Alleghanies, was Washington himself. He had carefully noted the flow of the rivers beyond the Alleghanies, and the portages between them and the rivers flowing down their eastern slope, at the time of his first visit into that region before the Revolution, and was only hindered from forming a company, to unite them by an artificial channel, by the occurrence of the Revolution itself. The year after peace was declared he again visited the country bordering the upper waters of the Ohio, and at this time regarded the improvement, not only of immense importance in its commercial aspect to the States of Maryland and Virginia, but as one of the necessities of government. "He had noticed," says Mr. Irving, "that the flanks and rear of the United States were possessed by foreign and formidable powers, who might lure the Western people into a trade and alliance with them. The Western States, he observed, stood as it were on a pivot, so that the touch of a feather might turn them any way. They had looked down the Mississippi, and been tempted in that direction by the facilities of sending everything down the stream; whereas they had no means of coming

to us but by long land transportation and rugged roads. The jealous and untoward disposition of the Spaniard, it was true, almost barred the use of the Mississippi; but they might change their policy and invite trade in that direction. The retention by the British Government, also, of the posts of Detroit, Niagara, and Oswego, though contrary to the spirit of the treaty, shut up the channel of trade in that quarter" [Irving's Life of Washington, vol. iv. p. 423].

His views were laid before the legislature of Virginia, and received with such favor that he was induced to repair to Richmond to give them his personal support. His suggestions and representations during this visit gave the first impulse to the great system of internal improvements since pursued throughout the United States.

While Washington was urging upon the people of Virginia the importance of a water communication between the head waters of the Potomac and the Ohio, and had succeeded so far as to effect the organization of two companies under the patronage of the Governments of Maryland and Virginia [Irving's Life of Washington, vol. iv. p. 427], the people of the Western States, dissatisfied with the tax imposed upon them to pay the interest on the debt

of the country to France, were many of them abandoning their dwellings and marching towards the Mississippi, "in order to unite with a certain number of disbanded soldiers, who were anxious to possess themselves of a considerable portion of the territory watered by that river." Their object was to establish the *Western Independence* and deny the authority of the American Congress, as McGillivray says in a letter to the governor of Pensacola [Gayarre's "History of the Spanish Domination in Louisiana," p. 159].

This Alexander McGillivray, the head chief of the Talapouches, or Creeks, was a half-breed, the son of Lachland McGillivray, a Scotchman, and a Creek woman. He was educated in Scotland. Pickett, the historian of Alabama, calls him the Talleyrand of Alabama; and Gayarre, in an extended eulogy, says of him: "The individual who, Proteus-like, could in turn, — nay more, who could at the same time, be a British colonel, a Spanish and an American general, a polished gentleman, a Greek and Latin scholar, and a wild Indian chief with the frightful tomahawk at his belt and the war paint on his body, a shrewd politician, a keen-sighted merchant, a skilful speculator, the emperor of the Creeks and Seminoles, the able negotiator with Washington in person

and other great men, the writer of papers which would challenge the admiration of the most fastidious — he who could be a Mason among the Christians, and a pagan prophet in the woods; he who could have presents, titles, decorations, showered at the same time upon him from England, Spain, and the United States, and who could so long arrest their encroachments against himself and his nation by playing them like puppets against each other, must be allowed to tower far above the common herd of men." McGillivray died 17th February, 1793. He was buried with Masonic honors, in the garden of William Panton, in Pensacola. His death spread desolation among his people.

Martin Navarro, the Spanish intendant at New Orleans, united with remarkable sagacity and foresight a jealousy of the American population of the Western States, amounting almost to mania. His policy in regulating commercial intercourse with all neighbors was in the largest degree conciliatory and generous. From the hour of its birth, he predicted with singular accuracy the power and growth of the American republic. In 1786, speaking of the commercial relations between the province of Louisiana and the numerous Indian tribes which owned the adjacent territory, he says: —

"Nothing can be more proper than that the goods they want should be sold them at an equitable price, in order to afford them inducements and facilities for their hunting pursuits, and in order to put it within their means to clothe themselves on fair terms. Otherwise they would prefer trading with the Americans, with whom they would in the end form alliances, which cannot but turn out to be fatal to this province."

The surplus productions of the Western settlements at this time had grown into a very considerable commerce, which, having no other outlet than the Mississippi, was sent down that river to New Orleans, where it was subjected to unjust and oppressive duties. The flatboat-men complained of the seizures, confiscations, extortions, and imprisonments which in almost every instance were visited upon them by the Spanish authorities. Infuriated by the frequency and flagrant character of these outrages, and denying the right of Spain under the treaty of 1783 in any way to restrict the free navigation of the river, the Western people began seriously to contemplate an open invasion of Louisiana, and a forcible seizure of the port of New Orleans. They laid their grievances before Congress and petitioned that body to renew negotiations with

Spain, and secure for them such commercial privileges as were necessary to the very existence of their settlements.

Navarro seconded these views, and writing to his Government says: "The powerful enemies we have to fear in this province are not the English, but the Americans, whom we must oppose by active and sufficient measures." He then, by a variety of reasons, urges that a restriction of commercial franchises will only increase the embarrassment of Spain. "The only way," he says, "to check them, is with a proportionate population, and it is not by imposing commercial restrictions that this population is to be acquired, but by granting a prudent extension and freedom of trade."

By granting the Americans special privileges, donating lands to them, and affording them other subsidies, Navarro hoped to lure them from their allegiance to our Government. Very many, yielding to these inducements, moved their families into the Spanish province, and became willing subjects of His Catholic Majesty. The majority of those who remained, owing to the repeated failures and rebuffs they had suffered in their efforts to obtain free commercial privileges, were forced at length to consider the idea of forming

a new and independent republic of their own. Their separation by distance and mountain barriers from the Atlantic States rendered all commercial intercourse impracticable between the two portions of the country. They were surrounded by savages, against whose murderous attacks their Government was unable to afford them adequate protection, and their commerce was burdened with oppressive and ruinous duties before it could gain access to the markets of the world. Besides these considerations, they were oppressed with heavy taxation to pay the interest on the great war-debt to France. These reasons, to any one who can identify himself with the period of our history now under review, would certainly seem sufficient to overcome a patriotism which had always been measured by the amount of sacrifice it was capable of making without any return. Our Government, still under the old confederacy, no longer bound by the cohesive elements of the war, was ready to fall to pieces, because of its inherent weakness. The majority of the people, both East and West, had little confidence in its stability. The leading patriots of the Revolution, alarmed at the frequent and threatening demonstrations of revolt made in all parts of the country, were at a loss to know how to avoid a final disruption.

"What, then," says Washington in a letter to John Jay, "is to be done? Things cannot go on in the same strain forever. It is much to be feared, as you observe, that the better kind of people, being disgusted with the circumstances, will have their minds prepared for any revolution whatever. We are apt to run from one extreme to another. . . . I am told that even respectable characters speak of a monarchical government without horror. From thinking proceeds speaking, then acting is often but a single step. But how irrevocable and tremendous! What a triumph for our enemies to verify their predictions! What a triumph for the advocates of despotism to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty are merely ideal and fallacious." [Irving's Washington, vol. iv. p. 450.]

It was when the country was in this condition that the idea of a separate independence took form among the people west of the Alleghanies. Want of unanimity in the adoption of a basis for the new republic only prevented its organization; for as soon as the question came under serious consideration, no less than five parties appeared, each claiming its plan to be the only one suited to the purposes in view.

"The first was for being independent of the United States, and for the formation of a new republic unconnected with the old one, and resting on a basis of its own, and a close alliance with Spain.

"Another party was willing that the country should become a part of the province of Louisiana, and submit to the admission of the laws of Spain.

"A third desired a war with Spain and the seizure of New Orleans.

"A fourth plan was to prevail on Congress, by a show of preparation for war, to extort from the cabinet of Madrid what it persisted in refusing.

"The last, as unnatural as the second, was to solicit France to procure a retrocession of Louisiana, and to extend her protection to Kentucky." [Judge Martin's Hist. of Louisiana, vol. ii. p. 10.]

Encouraged in their designs to lure the Western people into Louisiana, by this public evidence of their disaffection toward their own country, the Spanish authorities from this moment conceived the idea of working a dismemberment of our confederacy and attaching the vast country west of the Alleghanies to the other Hispano-American possessions. Separate plans for effecting this object were formed by Miro, the governor of Louisi-

ana, and Gardoquoi, the Spanish minister at Philadelphia. These officials were jealous of each other, and though partners in design, frequently clashed in their measures.

In June, 1787, General James Wilkinson, an officer of the Revolution, who had emigrated to the West a few months before, descended the Mississippi to New Orleans, with a cargo of flour, tobacco, butter, and bacon. His boat having been seized, Wilkinson, after a protracted interview with Governor Miro, parted from him with an order for its release and permission to sell his cargo free of duty. This arch-intriguer was permitted, during the entire period that his negotiations with Miro were in progress, to enjoy all the privileges of the New Orleans market free of duty. He sold large cargoes of tobacco, flour, and butter to the Spanish authorities on different occasions, and received from Miro very large sums of money at various times, to aid him in the work of dismemberment. We learn that at one time he sought to become a Spanish subject, but was dissuaded by Miro, who, while he loved the treason, hated the traitor. At another time, in the midst of his intrigues, he besought Miro to obtain for him a portion of the country to which he could flee to escape the vengeance which would pursue

him, in case his diabolical acts should be discovered by Washington. He remained in New Orleans until September. During that period, at Miro's request, he furnished him with his views in writing of the political interests of Spain and the Western people. This document strongly advocated the free navigation of the Mississippi, and was sent to Madrid for the perusal of the king. But it was intended simply as a blind, to conceal the inception of an intrigue between Miro and Wilkinson for the separation of the Western settlements from the Union, and their adherence to Spain. It was soon ascertained that, coincident with the submission of this document, Wilkinson presented another to Miro, containing different representations, which was not made public.

In the meantime, Gardoquoi, acting without Miro's compliance, had invited the people of Kentucky and the region bordering the Cumberland river to establish themselves under the protection of Spain in West Florida, and the Florida district of lower Louisiana, offering as inducements that they might hold slaves, stock, provisions for two years, farming utensils and implements, without paying any duty whatever, and enjoy their own religion. Allured by these promises, many Americans removed to Louisiana

and became Spanish subjects. To encourage this work of emigration, Gardoquoi made a concession of a vast tract of land, seventy miles below the mouth of the Ohio, to Col. George Morgan upon his proposition to settle it with a large number of immigrants. In pursuance of this purpose, Morgan afterwards laid the foundations of a city there, which, in compliment to Spain, he called New Madrid.

Gardoquoi, fearful lest his plans might be disturbed by Miro, sent an agent to New Orleans to obtain for them the support of that functionary. Miro was deeply embroiled in the intrigue with Wilkinson — an enterprise, if successful, that would prove vastly more important than that of Gardoquoi. Concealing his purpose from the latter, Miro, on one pretext and another, avoided committing himself to plans which were certain, if prosecuted, to clash with his own. In January, 1788, he wrote to Valdes, the minister for the department of the Indies: —

"I have been reflecting for many days whether it would not be proper to communicate to D'Arges (Gardoquoi's agent) Wilkinson's plans, and to Wilkinson the mission of D'Arges, in order to unite them and dispose them to work in concert. . . . The delivering up of Ken-

tucky into His Majesty's hands, which is the main object to which Wilkinson has promised to devote himself entirely, would forever constitute this province a rampart for the protection of New Spain."

In the course of this intrigue, Gardoquoi's agent stipulated to lead 1582 Kentucky families into the Natchez district. Miro ordered Grandpre, the governor of Natchez, to make concessions of land to each family on its arrival, and require them to take the following oath: "We the undersigned do swear, on the Holy Evangelists, entire fealty, vassalage, and lealty to His Catholic Majesty, wishing voluntarily to live under his laws, promising not to act either directly or indirectly against his real interest, and to give immediate information to our commandants of all that may come to our knowledge, of whatever nature it may be, if prejudicial to the welfare of Spain in general and to that of this province in particular, in defence of which we hold ourselves ready to take up arms, on the first summons of our chiefs, and particularly in the defence of this district against whatever forces may come from the upper part of the river Mississippi, or from the interior of the continent."

"Whilst presenting to them these considera-

tions," writes Miro, "you will carefully observe the manner in which they shall receive them, and the expression of their faces. Of this you will give me precise information, every time that you send me the original oaths taken."

In furtherance of his enterprise, Wilkinson spent several months in the Atlantic States, after leaving New Orleans. He wrote to Miro in cipher, on his return to the West, that all his predictions were verifying themselves. "Not a measure," he says, "is taken on both sides of the mountains which does not conspire to favor ours." About the same time he wrote to Gardoquoi in order to allay his suspicions. Receiving from Miro no immediate reply to his letter, he sent a cargo of produce down the river in charge of Major Isaac Dunn, whom he accredited to Miro as a fit auxiliary in the execution of their political designs. Dunn assured the Spanish governor that Kentucky would separate entirely from the Federal Union the next year.

While these schemes were in progress, the settlers in the district of Cumberland, reduced to extremities by the frequent and bloody invasions of the Indians south of them, sent delegates to Alexander McGillivray, head chief of the tribes, to declare their willingness to throw themselves

into the arms of His Catholic Majesty, as subjects. They said that Congress could neither protect their persons or property, or favor their commerce, and that they were desirous to free themselves from all allegiance to a power incapable of affording the smallest benefit in return.

One of the difficult questions for the Spanish authorities to settle with the people they expected to lure to their embrace was that of religion. Spain was not only Catholic, but she had not abandoned the Inquisition, as a means of torturing the rest of the world into a confession of that faith. Gardoquoi had promised all immigrants into Louisiana freedom of religious opinion. Miro, willing to make some concessions, would not concede entire freedom. Just at the time that a promise had been made of a large emigration from the western settlements, Miro received a letter from the Reverend Capuchin Antonio de Sedella, informing him that he had been appointed commissary of the Iniquisition, and that, in order to carry his instructions into perfect execution, he might soon, at some late hour of the night, deem it necessary to require some guards to assist him in his operations. A few hours afterwards, while this inquisitor was reposing, he was roused by an alarm. Starting up,

he met an officer and a file of grenadiers, who, he supposed, had come to obey his orders. "My friends," said he, "I thank you and his excellency for the readiness of this compliance with my request. But I have no use for your services, and you shall be warned in time when you are wanted. Retire, then, with the blessing of God." The surprise of the Holy Father may be conceived when told that he was under arrest. "What!" he exclaimed, "will you dare lay hands on a commissary of the Holy Inquisition?"

"I dare obey orders," was the stern reply,—and Father de Sedella was immediately conducted on board a vessel, which sailed the next day for Cadiz.

Miro, writing to one of the members of the cabinet of Madrid, concerning this unceremonious removal, says: "The mere name of the Inquisition, uttered in New Orleans, would be sufficient, not only to check immigration, which is successfully progressing, but would also be capable of driving away those who have recently come, and I even fear that in spite of my having sent out of the country Father Sedella, the most fatal consequences may ensue from the mere suspicion of the cause of his dismissal." This was

the first and last attempt of the Spaniards to plant the Inquisition in North America.

In the midst of these intrigues and schemes, Navarro, the talented intendant, was recalled by his Government, and returned to Spain. The two offices of governor and intendant thus became united in Miro. In his last official despatch, Navarro expressed his views of the province with considerable detail. He depicted the dangers which Spain had to fear from the United States, — predicting that the "new-born giant would not be satisfied until he extended his domains across the continent, and bathed his vigorous young limbs in the placid waters of the Pacific." A severance of the Union was, in his opinion, the only way this could be prevented. This was not difficult, if the present circumstances were turned to advantage. "Grant," said he, "every sort of commercial privilege to the masses in the Western region, and shower pensions and honors on the leaders."

While actively engaged in the prosecution of his intrigue with Miro, we learn from a letter written to that official in February, 1789, that in October of the previous year Wilkinson met with Col. Connelly, a British officer, who, he says, "had travelled through the woods to the

mouth of the river Big Miami, from which he came down the Ohio in a boat." He claimed to be an emissary of Lord Dorchester, the governor-general of Canada. Ignorant of Wilkinson's secret negotiations with Miro, he met him by invitation, at his house, and upon Wilkinson's assurance of regard for the interests of His Britannic Majesty, Connelly unfolded to him the object of his mission. He informed Wilkinson that Great Britain was desirous of assisting the Western settlers in their efforts to open the navigation of the Mississippi. She would join them to dispossess Spain of Louisiana, and as the forces in Canada were too small to supply detachments for the purpose, Lord Dorchester would, in place thereof, supply our men with all the implements of war, and with money, clothing, etc., to equip an army of ten thousand.

Wilkinson, in his letter to Miro, says: "After having pumped out of him all that I wished to know, I began to weaken his hopes by observing that the feelings of animosity engendered by the late Revolution were so recent in the hearts of the Americans that I considered it impossible to entice them into an alliance with Great Britain; that in this district, particularly in that part of it where the inhabitants had suffered so

much from the barbarous hostilities of the Indians, which were attributed to British influence, the resentment of every individual was much more intense and implacable. In order to justify this opinion of mine I employed a hunter, who feigned attempting his life. The pretext assumed by the hunter was the avenging the death of his son, murdered by the Indians at the supposed instigation of the English. As I hold the commission of a civil judge, it was of course to be my duty to protect him against the pretended murderer, whom I caused to be arrested and held in custody. I availed myself of this circumstance to communicate to Connelly my fear of not being able to answer for the security of his person, and I expressed my doubts whether he could escape with his life. It alarmed him so much that he begged me to give him an escort to conduct him out of the territory, which I readily assented to, and on the 20th of November he recrossed the Ohio on his way back to Detroit."

Such was the influence of Wilkinson with the people of the districts of Kentucky and Cumberland, that between the years 1786 and 1792 he thwarted them four times in their designs to invade Louisiana, after preparations had been

made for that purpose. His object was to unite the Western settlements with Spain, — not to maintain the integrity of the Federal Union. Circumstances which had occurred several years before this time gave birth to another intrigue of remarkable character, which developed itself in the fall of 1788. The Western portion of North Carolina, known as the Washington District, in 1786 declared itself independent, and organized a government under the name of the State of Frankland. Congress interfered, put an end to the new State, and restored the country to North Carolina. Indignant at the interposition, the secessionists persisted in their designs, and through their displaced governor, on the 12th of September, informed the Spanish minister, Gardoquoi, that they "were unanimous in their vehement desire to form an alliance and treaty of commerce with Spain, and put themselves under her protection." The settlers of Cumberland river, who were also under the jurisdiction of North Carolina, gave the name of Miro to a district they had formed, as evidence of their partiality for the Spanish Government. The promise of protection which the inhabitants of the two districts received from Gardoquoi was so modified by Miro that the scheme, though prose-

cuted for a time with great vigor, finally failed from inability on the part of the secessionists to comply with the conditions of recognition.

A company composed of Alexander Moultrie, Isaac Huger, Major William Snipes, Colonel Washington, and other distinguished South Carolinans was formed at Charleston in 1789, which purchased from the State of Georgia 52,900 square miles of territory, extending from the Yazoo to the banks of the Mississippi near Natchez. The Choctaws, Chickasaws, and Spain claimed a portion of this territory. The ulterior designs of the company in the purchase and settlement of the country were carefully concealed for some time. Wilkinson, who was still engaged in the effort to dismember the Union, having heard of this purchase, lost no time in communicating his views to the company and expressing a desire to cooperate with them as their agent. At the same time he addressed a letter to Miro, in which, after telling him that he had applied to the company for an agency, he says: —

"If I succeed, I am persuaded that I shall experience no difficulty in adding their establishment to the domains of His Majesty, and this they will soon discover to be to their interest. . . . You will have the opportunity to modify the plan

of the company as your judgment and prudence will suggest, and the interest of the King may require. I will keep you informed of every movement which I shall observe, and it will be completely in your power to break up the projected settlement, by inciting the Choctaws to incommode the colonists, who will thus be forced to move off and to establish themselves under your government."

Wilkinson's application for an agency was declined, because of the appointment of Dr. O'Fallon before it was received. He wrote to Miro on the subject of the company's purposes. After speaking of the dissatisfaction of the members of the company with the Federal Government, he states that he has induced them to become subjects of Spain, "under the appearance of a free and independent state, forming a rampart for the adjoining Spanish territories, and establishing with them an eternal reciprocal alliance offensive and defensive. This," he continues, "for a beginning, when once secured with the greatest secrecy, will serve, I am fully persuaded, as an example to be followed by the settlements on the western side of the mountains, which will separate from the Atlantic portion of the Confederacy, because, on account of the advantages which they will expect from the

privilege of trading with our colony under the protection of Spain, they will unite with it in the same manner, and as closely as are the Atlantic States with France, receiving from it every assistance in war, and relying on its power in the moment of danger."

In a letter written to Miro on the 20th of June, Wilkinson fully endorses the plans of the company. Miro submits to the Court at Madrid the documents unfolding these plans, accompanied by a despatch in which he sums up the advantages and disadvantages of "taking a foreign state to board with us." When near the conclusion, he explains how he has excited the hostility and secured the opposition of all the Indian tribes to the Americans. "I have recommended them," says he, "to remain quiet, and told them if these people presented themselves with a view to settle on their lands, then to make no concessions, and to warn them off; but to attack them in case they refused to withdraw; and I have promised that I would supply them with powder and ball to defend their legitimate rights."

Both Louisiana and the United States became at this time apprehensive that an invasion of the former would be attempted by the British from

Canada. Such an event would impose upon our Government the necessity of determining a course proper to be pursued, should a passage be asked by Great Britain for his troops through our territory or should that passage be made without permission. The opportunity was deemed favorable to the prosecution of our claim to the navigation of the Mississippi, and negotiations were opened with Spain for the purchase of the Island of New Orleans and the Floridas, — but Spain declined our offer of friendship, the only consideration we were then able to give, and the project failed. Miro's administration terminated in 1791. He was succeeded by the Baron de Carondelet.

Such was the confidence inspired in the Government by the adoption of the Constitution, and the firm and watchful administration of Washington, that, not only in the Eastern States, but in the Western districts also, all intrigues, cabals, and schemes of dismemberment, during the first three years of Carondelet's administration, had seemingly expired. A brighter era had dawned upon the country; hope had taken the place of doubt in the minds of the people, and the old patriotism, which had borne us through the Revolution, reinstated loyalty in the bosoms

of thousands, whose thoughts had been for years ripening for revolt. But the danger was not all over. Some discontented and some ambitious spirits yet remained in the West. Great Britain cast a greedy eye occasionally at the mouth of the Mississippi, and poor torn, bleeding France, which had just murdered her King, sent a sufficient number of her maniac population to our shores to keep the spirit of misrule in action.

Early in the year 1794 a society of French Jacobins, established in Philadelphia, sent a circular to Louisiana which was widely distributed among the French population of the province, appealing to them to take up arms and cast off the Spanish yoke. The alarm which this gave the Baron de Carondelet was increased by a knowledge of the efforts put forth by Genet, the French minister to the United States, to organize and lead an expedition of French and Americans against Louisiana. Armed bands had assembled upon the Georgia frontier to join it, and French emissaries were everywhere stirring up the Western people to aid in the invasion. New Orleans was strongly fortified, and the grim visage of war was again wrinkled for the conflict.

Fear of invasion over, Carondelet addressed himself with great vigor to the unfinished schemes

of Miro for dismembering the Union and winning over the Western settlements to Spain. Meantime, the negotiations so long pending between our Government and Spain, on the 20th of October, 1795, culminated in the Treaty of Madrid. By this treaty a boundary line was established between the United States and the Floridas. Spain also conceded to our people the free navigation of the Mississippi from its source to the sea, and agreed to permit them, "for the term of three years, to use the port of New Orleans as a place of deposit for their produce and merchandise, and export the same free from duty or charge, except a reasonable consideration to be paid for storage and other incidental expenses; that the term of three years may, by subsequent negotiation be extended; or, instead of that town, some other point in the island of New Orleans shall be designated as a place of deposit for the American trade."

It was believed by the provincial authorities that this treaty was formed for the purpose of propitiating the neutrality of our Government in the event of a war, at that time imminent between Great Britain and Spain. They had no faith in its permanency, or that its provisions would be observed by Spain after her European embarrassments had been settled. Instead of ar-

resting, it had the effect to stimulate the efforts of Carondelet in his favorite plan for the acquisition of the Western settlements. He made proposals to Sebastian, Innis, and other early associates of Wilkinson, and through his emissaries approached Wilkinson himself with promises, but it was too late. The Union had become consolidated. The wise counsels of Washington allayed discontent, and the successful campaign of Wayne had given assurance of protection. Wilkinson and his associates, foiled in the designs formed and conducted under more favorable auspices, whatever their aspirations might have been, were too sagacious to revive an enterprise which neither policy nor necessity could excuse, and which a vigilant government was sure to punish. After a few more struggles the Spanish authorities, on the 26th of May, 1798, surrendered to Wilkinson, who, by the death of Wayne, had been promoted, the territory claimed by the Treaty of Madrid, and the Spanish power in America from that moment began to decline.

Morales, the Spanish intendant, construing the letter of the treaty strictly, on the 17th of July, 1799, chose to consider that three years had elapsed since its ratification, and, for the purpose of crippling the commerce of the Western

people, issued an order prohibiting the use of New Orleans as a place of deposit by them, without designating in accordance with the treaty any other suitable point. This measure aroused the indignation of the West. An expedition against New Orleans was openly contemplated. President Adams ordered three regiments of regulars to the Ohio, with instructions to have in readiness a sufficient number of boats to convey the troops to New Orleans. Twelve new regiments were added to the army, and an invasion seemed inevitable, and would most certainly have been attempted, had not indications of a popular determination to elect Mr. Jefferson to the Presidency caused the postponement of a project which could not be completed before the close of Mr. Adams' administration.

No public documents of the period, accessible to me, speak of the suspension by the Spaniards of this prohibitory order, but from the fact that it was renewed afterwards, as we shall have occasion to notice, there can be no doubt that terms of accommodation satisfactory to the Western people were for the time agreed upon.

Napoleon, at this time First Consul, cast a longing eye at the mouth of the Mississippi. His ministers had been instructed to obtain all possible

information concerning Louisiana. M. de Pontalba, who had passed an official residence of many years in Louisiana, prepared at their request a very remarkable memoir on the history and resources of that province, which was presented to the French Directory on the 15th of September, 1800. On the 1st of October following, a treaty between France and Spain was concluded at St. Ildephonso, of which the third article is in the following words: —

"His Catholic Majesty promises and engages to retrocede to the French Republic, six months after the full and entire execution of the above conditions and stipulations, relative to His Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and the other States."

France being at war with England when this treaty was concluded, it was carefully concealed, lest England, then mistress of the seas, should take the country from her.

CHAPTER II.

LOUISIANA PURCHASE.

ALARM OF OUR GOVERNMENT AT THE CESSION TO FRANCE — MR. LIVINGSTON APPOINTED MINISTER TO FRANCE — TALLEYRAND — HIS RETICENCE — TEDIOUS DELAY — RIGHT OF DEPOSIT PROHIBITED — EFFECT UPON WESTERN PEOPLE — MR. JEFFERSON APPOINTS MR. MONROE EXTRAORDINARY MINISTER — CONGRESS — DEBATE — FEDERAL OPPOSITION — WAR BETWEEN FRANCE AND ENGLAND AGAIN IMMINENT — BONAPARTE'S PROPOSITION — TREATY AGREED UPON AND SIGNED — ACTION OF CONGRESS — EXTENT OF TERRITORY PURCHASED.

THE retrocession of Louisiana to France was not suspected by our Government until March, 1801, six months after the treaty of St. Ildephonso was concluded. It was then brought to the notice of Mr. Madison, the secretary of State, by Mr. Rufus King, our minister at the Court of St. James. Mr. Madison seems to have shared the incredulity of England and other powers regarding the event, for he took no notice of

the intimation conveyed by Mr. King's despatch until it was partially confirmed by another from the same source on the 1st of June thereafter. In the first letter on the subject, Mr. King had deemed it of sufficient importance to recommend the appointment of a minister to represent the interests of our Government near the Court of France. In the last he depicted as a possible effect of the acquisition that "it might enable France to extend her influence and perhaps her dominion up the Mississippi and through the lakes, even to Canada."

Our Government took the alarm instantly. The negotiations it had effected with Spain, though still embarrassed with some offensive conditions, had produced a state of comparative quiescence in the West; all dangerous intrigues were at an end, and a further settlement had been projected which would harmonize all opposing interests and forever secure to our Western possessions the uninterrupted enjoyment of free navigation of the Mississippi to the ocean. Such an arrangement with France was deemed impossible. In the hands of Napoleon, Louisiana would be at once transformed into a powerful empire, and the Mississippi would be used as a highway to transport troops on errands of meditated inva-

sion all over the continent of North America. In her eager desire to regain the Canadian possessions taken from her by Great Britain, she would march her armies through our territories and inevitably embroil us in a war which would prove in the end fatal to the liberties we had just established. Heavy duties would necessarily be imposed upon our Western population, and all the prejudices now so fortunately allayed would be revived against the Government because of its powerlessness to relieve them.

Mr. Madison addressed a despatch to Mr. Pinckney, our minister at Madrid, requesting him to ascertain whether a treaty had been made, and if so, the extent of the cession made by it. The Government appointed Mr. Robert R. Livingston minister to France.

In October, 1801, Mr. King succeeded in procuring a copy of the secret treaty and forwarded it to Mr. Madison. In the midst of the alarm occasioned by this intelligence the war between France and England was terminated and articles of peace signed on the 1st of October, 1801. France commenced secret preparations to avail herself of the treaty and take early possession of Louisiana. In the meantime Mr. Livingston had arrived in Paris. On the 12th of December,

in a despatch to Mr. Madison, he informed him that he had hinted to one of the ministers that a cession of Louisiana would afford them the means of paying their debts, — to which the minister replied: "None but spendthrifts satisfy their debts by selling their lands," adding, however, after a short pause, "but it is not ours to give."

Talleyrand was the Minister of Exterior Relations. In all his interviews with Mr. Livingston relative to the purchase of Louisiana he fully exemplified one of the maxims of his life, that "language was made to enable people to conceal their ideas." All of Mr. Livingston's inquiries respecting the treaty were met with studied reserve, duplicity, and positive denial. Often when he sought an interview the minister was preoccupied or absent. He not only failed to obtain information of the extent of the cession, whether it included the Floridas, but so undemonstrative were the communications of the minister upon the subject, that often he left him doubtful of the intention of France to comply with the terms of the treaty at all. His despatches to Mr. Madison, while they show no lack of exertion or expedient on his part to obtain the desired information, bear evidence of the subtlety, cunning,

and artifice of one of the greatest masters of statecraft the world has yet produced. At one time he expresses his concern at the reserve of the French Government, and importunes Talleyrand to inform him "whether East and West Florida or either of them are included in the treaty, and afford him such assurances, with respect to the limits of their territory, and the navigation of the Mississippi, heretofore agreed upon between Spain and the United States, as may prove satisfactory to the latter."

"If," he continues in the same note, "the territories of East and West Florida be included within the limits of the cession obtained by France, the undersigned desires to be informed how far it would be practicable to make such arrangements between their respective governments, as would at the same time aid the financial operations of France and remove by a strong natural boundary all future causes of discontent between her and the United States."

Six days afterwards he writes to Mr. Madison that he has received no reply to the above note. A month later in a despatch he says: "They have as yet not thought it proper to give me any explanations." One month afterwards he writes: "The business most interesting to us, that of

Louisiana, still remains in the state it was. The minister will give no answer to any inquiries I make on the subject. He will not say what their boundaries are, what are their intentions, and when they are to take possession."

Meantime the treaty of Amiens opened the ocean to Bonaparte's contemplated expedition to Louisiana. The anxiety of our Government was greatly increased. Mr. Madison, in a despatch full of complaint at the ominous silence of the French minister, among other intimations, conveys the following: —

"Since the receipt of your last communication, no hope remains but from the accumulating difficulties of going through with the undertaking, and from the conviction you may be able to impress that it must have an instant and powerful effect in changing the relations between France and the United States."

Fears were entertained that the British Government might have acquiesced in the treaty, so as to impair the stipulations concerning the free navigation of the Mississippi, but these were dissipated by the assurance of Lord Hawkesbury, in reply to a letter addressed to him on the subject by Mr. King, that "His Majesty had not in any manner directly or indirectly acquiesced in or sanctioned the cession."

Nearly one month after this last despatch to Mr. Madison, Mr. Livingston again informs him that "the French Government still continues to hold the same conduct with respect to his inquiries in relation to the designs on Louisiana," but assures him that nothing shall be done to impair the friendly relations between America and France. Eight days after this despatch was written, he writes again that he has acquired information on which he can depend, in relation to the intention of the French Government. "Bernadotte," says he, "is to command, Collot second in command; Adet is to be prefect;" but the expedition is delayed until about September, on account of some difficulty, which Mr. Livingston conceives to have "arisen from the different apprehensions of France and Spain relative to the meaning of the term Louisiana, which has been understood by France to include the Floridas, but probably by Spain to have been confined to the strict meaning of the term."

On the 30th of July, 1802, Mr. Livingston informs Mr. Madison that he is preparing a lengthy memorial on the subject of the mutual interest of France and the United States relative to Louisiana; and that he has received the explicit assurance of the Spanish ambassador

that the Floridas are not included in the cession.

On the 10th of August following he again writes the secretary that he has put his essay in such hands as he thinks will best serve our purposes. "Talleyrand," he says, "has promised to give it an attentive perusal; after which, when I find how it works, I will come forward with some proposition. I am very much at a loss, however, as to what terms you would consider it allowable to offer, if they can be brought to sale of the Floridas, either with or without New Orleans, which last place will be of little consequence if we possess the Floridas, because a much better passage may be found on the east side of the river."

Mr. Livingston now followed up his interrupted negotiation with activity. He made several propositions for the purchase of Louisiana, but was informed by the minister that all offers were premature. "There never," says Mr. Livingston in a despatch to the secretary of state, "was a Government in which less could be done by negotiation than here. There is no people, no legislature, no counsellors. One man is everything. He seldom asks advice, and never hears it unasked. His ministers are mere clerks;

and his legislature and counsellors parade officers. Though the sense of every reflecting man about him is against this wild expedition, no one dares to tell him so. Were it not for the uneasiness it excites at home, it would give me none; for I am persuaded that the whole will end in a relinquishment of the country and transfer of the capital to the United States."

Soon after this, Mr. Livingston had an interview with Joseph Bonaparte, who promised to receive any communication he could make to Napoleon. "You must not, however," he said, "suppose my power to serve you greater than it actually is. My brother is his own counsellor, but we are good brothers. He hears me with pleasure, and as I have access to him at all times I have an opportunity of turning his attention to a particular subject that might otherwise be passed over." He informed Mr. Livingston that he had read his notes and conversed upon the subject with Napoleon, who told him that he had nothing more at heart than to be upon the best terms with the United States.

On the 11th of November Mr. Livingston wrote a hurried letter to Mr. Madison, informing him that orders had been given for the immediate embarkation of two demi-brigades for Louisiana, and

that they would sail from Holland in about twenty days. The sum voted for this service was two and one-half millions of francs. "No prudence," he concludes, "will, I fear, prevent hostilities ere long; and perhaps the sooner their plans develop themselves the better."

This was the condition of affairs when the Western people, beginning to feel the effect of a proclamation suspending their right of deposit in New Orleans, were importuning our Government for relief. Some idea may be formed of the excitement which this act had produced, on reading the following, of many similar appeals addressed to Congress by them: —

"The Mississippi is ours by the law of nature; it belongs to us by our numbers, and by the labor which we have bestowed on those spots which, before our arrival, were desert and barren. Our innumerable rivers swell it, and flow with it into the Gulf of Mexico. Its mouth is the only issue which nature has given to our waters, and we wish to use it for our vessels. No power in the world shall deprive us of this right. We do not prevent the Spaniards and the French from ascending the river to our towns and villages. We wish in our turn to descend it without any interruption to its mouth, to ascend it again, and exercise our privi-

lege of trading on it, and navigating it at our pleasure. If our most entire liberty in this matter is disputed, nothing shall prevent our taking possession of the capital, and when we are once masters of it we shall know how to maintain ourselves there. If Congress refuses us effectual protection, if it forsakes us, we will adopt the measures which our safety requires, even if they endanger the peace of the Union and our connection with the other States. No protection, no allegiance."

Perhaps at no period in the history of our Government was the Union in more immediate danger of dissolution. Had our citizens been fully apprised of our relations with France, and the neglect with which our ambassador was treated, nothing could have prevented an immediate secession of the people west of the Alleghanies. Mr. Madison saw the gathering of the storm, and on the 27th of November, a few days before Congress assembled, addressed an earnest despatch to the American minister at Madrid. "You are aware," said he, "of the sensibility of our western citizens to such an occurrence. This sensibility is justified by the interest they have at stake. The Mississippi to them is everything. It is the Hudson, the Delaware, the Potomac, and all the navigable rivers of the Atlantic States,

formed into one stream. . . . Whilst you presume therefore, in your representations to the Spanish Government, that the conduct of its officer is no less contrary to its intentions than it is to its good faith, you will take care to express the strongest confidence that the breach of the treaty will be repaired in every way which justice and regard for a friendly neighborhood may require."

Congress met, and President Jefferson, in a message on Louisiana, said: "The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the legislature connected with that subject."

That body replied: "That, relying with perfect confidence on the wisdom and vigilance of the Executive, they would wait the issue of such measures as that department of the Government should have pursued for asserting the rights of the United States, — holding it to be their duty at the same time to express their unalterable determination to maintain the boundaries and the rights of navigation and commerce through the river Mississippi, as established by existing treaties."

Party spirit at this time was but another name for party animosity. The Federalists, anxious to regain the power that they had lost by the election of Jefferson, seized upon the subject of Mr. Livingston's mission and the proclamation of prohibition by the Spanish intendant, and held them up before the people as the necessary and inevitable product of Democratic principles. They were determined if possible to force the country into a war of invasion against New Orleans and the country including the mouth of the Mississippi, — a measure in which the Western people would generally co-operate. The administration, on the other hand, still adhered to the policy of negotiation, — and foreseeing that it must be expeditious to avoid the inevitable destruction of the party, and deprive the Federals of the prestige which their vigorous measures were acquiring for them, President Jefferson, on the 10th of January, 1803, wrote to Mr. Monroe :—

"I have but a moment to inform you that the fever into which the Western world is thrown by the affair of New Orleans, stimulated by the mercantile and generally the Federal interest, threatens to overbear our peace. In this situation we are obliged to call on you for a temporary sacrifice of yourself, to prevent this greatest of evils in the

present prosperous tide of affairs. I shall to-morrow nominate you to the Senate for an extraordinary mission to France, and the circumstances are such as to render it impossible to decline; because the whole public hope will be rested on you."

The Senate confirmed the nomination. Mr. Jefferson again wrote to Mr. Monroe, urging him not to decline. "I know nothing," he says, "which would produce such a shock, for on the event of this mission depend the future destinies of this republic. If we cannot by a purchase of the country insure to ourselves a course of perpetual peace and friendship with all nations, then, as war cannot be far distant, it behooves us immediately to be preparing for that course, without, however, hastening it; and it may be necessary (on your failure on the Continent) to cross the Channel."

The session of Congress had advanced to the middle of February before any remedial measures were proposed for the action of the Spanish intendant at New Orleans. Every fresh despatch from Mr. Livingston was a repetition of the old story of neglect and silence. Meantime the Federal leaders, incited by the continued and growing disaffection of the Western people, as mani-

fested by their inflammable appeals to Congress, had resolved upon recommending immediate hostilities as the *dernier ressort* of the Government. The memorable debate which involved a consideration of this question was opened by Mr. Ross, of Pennsylvania, on the 14th of February, in a speech of remarkable force. The infraction of the treaty of Madrid of 1795, by which the right of deposit had been solemnly acknowledged, was claimed to be a sufficient justification for a resort to arms. In the further progress of this argument the speaker considered the opportunity as too favorable to be lost, because success would be more assured if a war were prosecuted while the Spaniards held possession of the country than it would be after it had passed under the dominion of France. With New Orleans in our possession we could dictate the terms of a treaty that would forever secure our citizens from further molestation. These views were enforced by urgent appeals to the patriotism of the people and the sternest denunciation of the tardy policy of the administration. At the close of his speech Mr. Ross presented a series of resolutions declaring the right of the people to the free navigation of the Mississippi and a convenient place of deposit for their produce and merchan-

dise in the island of New Orleans. The President would have been authorized by their passage to take possession of such place or places in the island or adjacent territories as he might deem fit, and to call into actual service fifty thousand militia to co-operate with the regular military and naval forces in the work of invasion. They also provided for an appropriation of five millions of dollars to defray the expenses of the war.

A long and exhaustive debate followed, in which the speeches on both sides were marked by distinguished ability and eloquence, — those of Mr. Clinton against and Mr. Morris in favor of the resolutions being among the ablest ever before or since delivered on the floor of Congress. Milder measures were finally substituted, authorizing the enrolment of an army of eighty thousand at the pleasure of the President, and Congress adjourned.

Meantime Mr. Livingston reported some little progress in the work of negotiation, and had addressed a memorial to Bonaparte complaining of the conduct of the Spanish intendant. Just at this time hostilities were again about to be renewed between England and France. Mr. Addington, the British minister, in a conversation

with Mr. King upon the subject, observed that in case of war it would be one of the first steps of Great Britain to occupy New Orleans. On the 11th of April, in an interview with Talleyrand, that minister desired to know of Mr. Livingston if our Government wished to purchase the whole of Louisiana. On receiving a negative reply, he remarked that if they "gave New Orleans, the rest would be of little value." "Tell me," he continued, "what you will give for the whole?" At the close of the despatch conveying this information to Mr. Madison, Mr. Livingston appends a postscript saying: "Orders are given this day to stop the sailing of vessels from the French ports; war is inevitable; my conjectures as to their determination to sell is well founded. Mr. Monroe has just arrived."

Fear that Great Britain would make an early attack upon New Orleans, now that war was certain, favored the efforts of Mr. Livingston for an early purchase, and increased the anxiety of France to dispose of the entire province. Indeed, in a consultation with two of his counsellors on the 10th of April, Napoleon fully resolved to sell the whole of Louisiana. The little coquetry that followed between Talleyrand, Marbois, and Livingston was simply to obtain as large a price as

possible. Napoleon then said, "I know the full value of Louisiana, and I have been desirous of repairing the fault of the French negotiator, who abandoned it in 1763. A few lines of treaty have restored it to me, and I have scarcely recovered it when I must expect to lose it. But if it escapes from me, it shall one day cost dearer to those who oblige me to strip myself of it, than to those to whom I wish to deliver it. The English have successively taken from France, Canada, Cape Breton, New Foundland, Nova Scotia, and the richest portions of Asia. They are engaged in exciting trouble in St. Domingo. They shall not have the Mississippi, which they covet. Louisiana is nothing in comparison with their conquests in all parts of the globe, and yet the jealousy they feel at the restoration of this colony to the sovereignty of France acquaints me with their wish to take possession of it, and it is thus they will begin the war."

The morning after this conference he summoned his ministers, and terminated a long interview in the following words: — "Irresolution and deliberation are no longer in season. I renounce Louisiana. It is not only New Orleans I will cede, — it is the whole colony without any reservation. I know the price of what I abandon,

and have sufficiently proved the importance that I attach to this province, — since my first diplomatic act with Spain had for its object its recovery. I renounce it with the greatest regret. To attempt obstinately to retain it would be folly. I direct you to negotiate this affair with the envoys of the United States. Do not even await the arrival of Mr. Monroe: — have an interview this very day with Mr. Livingston. But I require a great deal of money for this war, and I would not like to commence it with new contributions. . . . I will be moderate in consideration of the necessity in which I am of making a sale. But keep this to yourself. I want fifty millions, and for less than that sum I will not treat; I would rather make a desperate attempt to keep these fine countries. To-morrow you shall have full powers."

On the 30th of April the treaty of cession was signed. Louisiana was transferred to the United States, on condition that our Government should consent to pay to France eighty millions of francs. Of this amount, twenty millions should be assigned to the payment of what was due by France to the citizens of the United States.

Article 3rd of the treaty was prepared by Napoleon himself. It reads: —

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

After the treaty was signed, the ministers rose, shook hands, and Mr. Livingston, expressing the satisfaction which they felt, said: "We have lived long, but this is the noblest work of our whole lives. The treaty which we have just signed has not been obtained by art or dictated by force: — equally advantageous to the two contracting parties it will change vast solitudes into flourishing districts. From this day the United States take their place among the powers of the first rank; — the English lose all exclusive influence in the affairs of America. Thus one of the principal causes of European rivalries and animosities is about to cease. However, if wars are inevitable, France will hereafter have in the New World a natural friend, that must increase in strength from year to year, and one which cannot fail to become

powerful and respected in every sea. The United States will re-establish the maritime rights of all the world, which are now usurped by a single nation. These treaties will thus be a guarantee of peace and concord among commercial states. The instruments which we have just signed will cause no tears to be shed; they prepare ages of happiness for innumerable generations of human creatures. The Mississippi and Missouri will see them succeed one another and multiply, truly worthy of the regard and care of Providence, in the bosom of equality, under just laws, freed from the errors of superstition and the scourge of bad government."

When Napoleon was informed of the conclusion of the treaty, he uttered the following sententious prophecy: "This accession of territory strengthens forever the power of the United States; and I have just given to England a maritime rival that will sooner or later humble her pride."

Neither of the contracting parties to this treaty was able to define the boundaries of the vast territory of which it was the subject. They were known to be immense, and in his message to Congress announcing the purchase, Mr. Jefferson says: —

"Whilst the property and sovereignty of the

Mississippi and its waters secure an independent outlet for the produce of the Western States and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wider spread for the blessings of freedom and equal laws."

It is not surprising that the public men of that day should have feared the consequences of enlarging our republican domain. It looked to them like the renewal of the troubles which they had just escaped by the purchase of New Orleans and the mouth of the Mississippi. It unsettled the ideas they had formed of a Constitutional Government. They could not see, as we can in this day of railroads and telegraphs, how such an immense territory was to be subordinated to the control of a single general government. Hence we find such men as John Quincy Adams, Timothy Pickering, Rufus Griswold, James White, and Uriah Tracy, all men of enlarged, statesmanlike views, opposing the bill entitled "An Act authorizing the erection of a stock to the amount of eleven millions two hundred and fifty thousand

dollars, for the purpose of carrying into effect the convention of the 30th of April, 1803, between the United States and the French Republic."

The speech of Mr. White against the passage of the bill is a fair reflex of the views entertained by the leading public men of that day. Speaking of the treaty he says : —

"I wish not to be understood as predicting that the French will not cede to us the actual and quiet possession of the territory. I hope to God they may, for possession of it we must have : — I mean of New Orleans and of such other portions on the Mississippi as may be necessary to secure to us forever the complete and uninterrupted navigation of that river. This I have ever been in favor of. I think it essential to the peace of the United States and the prosperity of our Western country. But as to Louisiana, this new, immense, unbounded world, if it should be ever incorporated into this Union, which I have no idea can be done but by altering the Constitution, I believe it will be the greatest curse that could at present befall us ; it may be productive of innumerable evils, and especially of one that I fear even to look upon. Gentlemen on all sides, with very few exceptions, agree that the settlement of the country will be

highly injurious and dangerous to the United States; but as to what has been suggested of removing the Creeks and other nations of Indians from the eastern to the western banks of the Mississippi, and making the fertile regions of Louisiana a howling wilderness, never to be trodden by the foot of civilized man, it is impracticable. . . . To every man acquainted with the adventurous, roving, and enterprising temper of our people, and with the manner in which our Western country has been settled, such an idea must be chimerical. The inducements will be so strong, that it will be impossible to restrain our citizens from crossing the river. Louisiana must and will be settled, if we hold it, and with the very population that would otherwise occupy part of our present territory. Thus our citizens will be removed to the immense distance of two or three thousand miles from the capital of the Union, where they will scarcely ever feel the rays of the General Government: their affections will become alienated; they will gradually begin to view us as strangers; they will form other commercial connections; and our interests will become distinct.

"These, with other causes that human wisdom may not now foresee, will in time effect a separa-

tion, and I fear our bounds will be fixed nearer to our houses than the water of the Mississippi. We have already territory enough, and when I contemplate the evils that may arise to these States from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain, or to any other nation of the earth, upon the mere condition that no citizen of the United States should ever settle within its limits, than to see the territory sold for a hundred millions of dollars, and we retain the sovereignty. . . . And I do say that, under existing circumstances, even supposing that this extent of territory was a desirable acquisition, fifteen millions of dollars was a most enormous sum to give."

Mr. Tracy, after delivering an elaborate argument on the subject, in which he arrives at the conclusion that the purchase itself is constitutional, says : —

"We can hold the territory; but to admit the inhabitants into the Union, to make citizens of them and States by treaty, we cannot constitutionally do; and no subsequent act of legislation, or even ordinary amendment to our Constitution, can legalize such a measure. If done at all they must be done by universal con-

sent of all the States or partners of our political association: and this universal consent I am positive can never be obtained to such a pernicious measure as the admission of Louisiana, — of a world, — and such a world, — into our Union. This would be absorbing the Northern States and rendering them as insignificant in the Union as they ought to be, if by their own consent, the new measure should be adopted."

Mr. Breckinridge did not share in these fears. In the stirring reply which he made to them, he asks: —

"Is the Goddess of Liberty restrained by watercourses? Is she governed by geographical limits? Is her dominion on this continent confined to the east side of the Mississippi? So far from believing in the doctrine that a republic ought to be confined within narrow limits, I believe on the contrary that the more extensive its dominion, the more safe and durable it will be. In proportion to the number of hands you intrust the precious blessings of a free government to, in the same proportion do you multiply the chances for their preservation."

The measure finally became a law, and the United States thereby added to their original domain eight hundred and ninety-three thousand

five hundred and seventy-nine square miles, being seventy-eight thousand eight hundred and ninety-nine square miles more than the area of the thirteen States.

The fears entertained by our early statesmen are all forgotten. I have recalled them, not to illustrate any deficiency in the foresight or wisdom of the men of that day, but to show how remarkable has been the progress of improvement, discovery, and invention, by which we have been enabled, not only to incorporate the great Louisiana purchase, but others of still greater extent into the government of the Great Republic. And the future, which even now is teeming with the spirit of acquisition, justifies us in the utterance of the sentiment:

> "No pent-up Utica contracts your powers,
> But the whole boundless continent is yours."

CHAPTER III.

EUROPEAN TREATIES.

MODE OF DEFINING THE WESTERN BOUNDARY OF LOUISIANA — GREAT BRITAIN NO RIGHT TO ANY PORTION OF THE TERRITORY WEST OF THE ROCKY MOUNTAINS — DISCOVERY OF THE COLUMBIA BY CAPT. GRAY — LEWIS AND CLARKE'S EXPEDITION — ASTOR'S EXPEDITION — NEGOTIATION FOR THE SETTLEMENT OF THE CLAIMS OF GREAT BRITAIN AND THE UNITED STATES — FLORIDA TREATY — RUSSIAN TREATY — RENEWAL OF THE TREATY FOR JOINT OCCUPATION — ACTION OF CONGRESS — DEBATE, AND FINAL SETTLEMENT OF THE BOUNDARY.

THE western boundary of the vast territory ceded to the United States under the name of Louisiana was a geographical problem, incapable of any other than a forced solution. It was claimed that by the treaty of Utrecht, concluded in 1713, the 49th parallel of latitude had been adopted and definitively settled as the dividing line between the French possessions of Western Canada and Louisiana on the south, and the British territories of Hudson Bay on the north, —

and that this boundary extended westward to the Pacific. So unreliable was the evidence in support of this claim, that it was finally determined, in the settlement of the western boundary of Louisiana, to adopt such lines as were indicated by nature, — namely, the crest of the mountains separating the waters of the Mississippi from those flowing into the Pacific. This left in an unsettled condition the respective claims of Spain, Russia, Great Britain, and the United States to the vast territory beyond the Rocky Mountains, extending along the 42nd parallel of latitude west to the Pacific on the south, thence north up the coast indefinitely, thence east to the crest of the Rocky Mountains, thence following the crest, south, to the place of beginning. Both our country and Great Britain recognized an indefeasible right in Spain to some portion of this country, but our relations with Spain were such, at the time, that this opinion was not openly promulgated. The territory included the mouth of the Columbia, the entire region drained by that river and its tributaries, and an extensive region still further north, independent of this great river-system. The most valuable portion of it at this early period in our history was that traversed by the Columbia and its tributaries.

Great Britain had no right, by discovery or otherwise, to any portion of this part of the territory. "The opening," says Greenhow, "through which its waters are discharged into the ocean was first seen in August, 1776, by the Spanish navigator Heceta, and was distinguished on Spanish charts, within the thirteen years next following, as the mouth of the River San Roque. It was examined in July, 1788, by Meares, who quitted it with the conviction that no river existed there. This opinion of Meares was subscribed, without qualification, by Vancouver, after he had minutely examined the coast, 'under the most favorable conditions of wind and weather,' and notwithstanding the assurance of Gray to the contrary." The actual discovery of the mouth of the Columbia was made on the 11th of May, 1792, by Captain Robert Gray, a New England navigator, who says in his log-book under that date: "Beheld our desired port, bearing east-south-east, distant six leagues. At eight A.M., being a little to the windward of the entrance of the harbor, bore away, and ran in east-north-east between the breakers, having from five to seven fathoms of water. When we were over the bar, we found this to be a large river of fresh water, up which we steered."

Captain Gray remained in the Columbia from the 11th until the 20th of ~~August~~ May, during which time he sailed up the river fifteen miles, gave to it the name it still bears, trafficked with the natives, and named the capes at the entrance and other points above.

The United States had this claim by discovery to the mouth of the river, and the interior drained by it and its tributaries before the Louisiana purchase was made. After that was agreed upon, at the instance of Mr. Jefferson, Lewis and Clarke were appointed to explore the country up the Missouri to its source and to the Pacific. From the moment of their appearance on the Missouri, their movements were watched by the British, and as soon as the object of their expedition was discovered, the North-West Company, in 1805, sent out their men to establish posts and occupy territories on the Columbia. The British Company proceeded no farther than the Mandan villages on the Missouri. Another party, despatched on the same errand in 1806, crossed the Rocky Mountains near the passage of the Peace river, and formed a small trading establishment in the 54th degree of latitude,—the first British post west of the Rocky Mountains. Neither at this or any subsequent time

until 1811 does it appear that any of the waters of the Columbia were seen by persons in the service of the North-West Company.

Lewis and Clarke arrived at the Kooskooskee river, a tributary of the Columbia, in latitude 46° 34′, early in October, 1805, and on the 7th of that month began their descent in five canoes. They entered the great southern tributary, which they called Lewis, and proceeded to its confluence, giving the name of Clarke to the northern branch; thence they sailed down the Columbia to its mouth, and wintered there until the middle of March, 1806. They then returned, exploring the streams which emptied into the Columbia, and furnishing an accurate geographical description of the entire country through which they passed.

Early in 1811 the men sent to the north-west coast in the interest of the Pacific Fur Company, by John Jacob Astor, erected buildings and a stockade with a view to permanent settlement, on a point of land ten miles above the mouth of the Columbia, which they called Astoria. With the exception of one or two trading posts on some of the small streams constituting the head waters of the river, the country had not at this time been visited by the English. Further detail

of the history and trials of the Pacific Fur Company is unnecessary in this place, but the reader who desires to acquaint himself with it is referred to Irving's "Astoria" for one of the most thrilling narratives in American history.

In 1818, after Astoria had been sold by the Americans to the British Fur Company, and the stockade occupied by British troops, it was restored to the United States under a provision of the Treaty of Ghent, without prejudice to any of the claims that either the United States, Great Britain, Spain, or Russia might have to the ultimate sovereignty of the territory. The claims of the respective nations were afterwards considered by the plenipotentiaries of Great Britain and the United States. Messrs. Rush and Gallatin, who represented our Government, proposed that the dividing line between the territories should be drawn from the north-western extremity of the Lake of the Woods north or south as the case might require, to the 49th parallel of latitude; thence west to the Pacific. The British commissioners, Messrs. Goldburn and Robinson, agreed to admit the line as far west as the Rocky Mountains. Our representatives on that occasion supported the claim of our Government by citing Gray's discovery, the exploration of the Colum-

bia from source to mouth by Lewis and Clarke, and the first settlement and occupancy of the country by the Pacific Fur Company. The British commissioners asserted superior claims, by virtue of former voyages, especially those of Captain Cook, and refused to agree to any boundary which did not give them the harbor at the mouth of the river in common with the United States. Finding it impossible to agree upon a boundary, it was at length agreed that "all territories and their waters claimed by either power west of the Rocky Mountains should be free and open to the vessels, citizens, and subjects of both for the space of ten years; provided, however, that no claim of either or of any other nation to any part of those territories should be prejudiced by the arrangement."

On the 22nd of February, 1819, Spain ceded Florida to the United States, and by the treaty it was agreed that "a line drawn on the meridian from the source of the Arkansas northward to the 42nd parallel of latitude, and thence along that parallel westward to the Pacific, should form the northern boundary of the Spanish possessions and the southern boundary of those of the United States in that quarter."

On the 5th of April, 1824, the negotiations

between the United States and Russia were terminated by a convention signed at St. Petersburg, by which, among other provisions, was one to the effect that "neither the United States nor their citizens shall, in future, form an establishment on those coasts or the adjacent islands north of the latitude of 54° 40′, and the Russians shall make none south of that latitude."

These concessions on the part of Spain and Russia left the United States and Great Britain sole claimants for the entire territory described at the commencement of this chapter, — the claim of Great Britain having been fortified by a treaty with Russia in 1825, in which the Russian Government agreed, as they had done with our Government the previous year, that the line of 54° 40′ should be the boundary between their respective possessions.

The period of ten years' joint occupation by our Government and Great Britain agreed upon in 1818 was now approaching a termination. A new negotiation was opened, and after submitting and rejecting several propositions for a settlement, it was finally agreed between the two Governments that they should continue in the joint occupancy of the territory for an indefinite period, either party being at liberty to demand a

new negotiation on giving the other one year's notice of its intention.

The relations thus established between the two Governments continued without interruption until the attention of Congress was called to the subject by President Tyler in his message read at the opening of the session of 1842. The subject was referred to the committees on foreign affairs in both Houses of Congress, and a bill was introduced in the Senate for the occupation and settlement of the territory, and extending the laws of the United States over it. A protracted debate followed, the bill passed the Senate, was sent to the House, where a report against it was made by Mr. Adams, chairman of the committee on foreign affairs, and the session expired without any debate on the subject. When the report of the debates in Congress reached England, it produced some excitement in the House of Commons, and in February, 1844, the Honorable Richard Packenham, plenipotentiary from Great Britain, arrived in Washington with full instructions to treat definitively on all disputed points relative to the country west of the Rocky Mountains.

In August following the British minister opened the negotiation by a proposition which

would have given Great Britain two-thirds of the entire territory of Oregon, including the free navigation of the Columbia and the harbors on the Pacific. This was promptly rejected, and no further attempt at adjustment was made until the following year. An offer was then made by President Polk, which being rejected, closed the door to further negotiation. The President recommended to Congress that the agreement for joint occupation be terminated.

A very animated debate, which continued until near the close of the session, sprang up, in which the question of boundary lost most of its national features in the sharp party conflict to which it was subjected. The Democrats, generally adopting the recommendations of the President, advocated the extreme northern boundary of 54° 40′, and were ready, if necessary, to declare that as the ultimatum. A few leaders among them, of whom Colonel Benton was, perhaps, the most prominent, united with the Whigs in opposition to this extreme demand, and the line was finally established by treaty on the 49th parallel.

This mode of settlement probably averted a war between Great Britain and the United States, but after a careful survey of all the facts, including discoveries, explorations, and settle-

ments, I cannot but feel that the concessions were all made by the United States, whose title to the whole of the territory was much more strongly fortified than that of Great Britain to any portion of it.

Hon. James G. Blaine, in a speech delivered at Lewiston, Maine, on August 25, 1888, said: — "The claim of the Democrats to the whole of what now constitutes British Columbia, up to latitude 54° 40′, was a pretence put forth during the presidential canvass of 1844 as a blind in order to show that they were as zealous to secure Northern territory as they were bent on acquiring Southern territory. President Polk made his campaign on this claim. The next thing the country heard was that Mr. Polk's administration was compelled to surrender the whole territory to Great Britain, confessing that they had made pretences which they were unable to maintain or defend. Had they not forced the question to a settlement, the joint occupation which had come down from Jefferson to that hour would have peacefully continued, and with our acquisition of California two years afterwards and the immediate discovery of gold, the thousands of American citizens who swarmed to the Pacific coast would have occupied British Columbia, and the final

settlement would doubtless have been in favor of those who were in actual possession, and but for the blundering diplomacy of the Democratic party, which prematurely and without any reason forced the issue, we should to-day see our flag floating over the Pacific front, from the Gulf of California to Behring's Straits."

This chapter is the merest outline of the facts, an extension of which will be found in Greenhow's "History of California and Oregon," to which work I am chiefly indebted for the information herein contained.

CHAPTER IV.

HENRY PLUMMER.

SNAKE RIVER — ITS SCENERY — LEWISTON — ITS APPEARANCE AND SOCIETY — LOYALISTS AND SECESSIONISTS — ARRIVAL OF PLUMMER AND HIS COMPANIONS — A DOMESTIC HISTORY — PLUMMER LEADER OF THE ROUGHS — JACK CLEVELAND — CHEROKEE BOB — BILL BUNTON AND OTHERS.

THE Snake river or Lewis fork of the Columbia takes its rise in a small lake which is separated by the main range of the Rocky Mountains from the large lake of the Yellowstone, that being less than twenty miles distant from it. The Yellowstone, the Madison, Jefferson, and Gallatin, forming the head waters of the Missouri, and the Snake, the largest tributary fork of the Columbia, all rise within or near the limits of the territory recently dedicated by the Government to the purpose of a National Park.

As contrasted with the large rivers of regions other than the one it traverses, the Snake river would be a very remarkable stream, but there,

where everything in nature is wonderful, it is simply one of the marked features in its physical geography. From its source to its junction with the Clarke fork of the Columbia, a distance of nine hundred miles, it flows through a region which, at some remote period, has been the scene of greater volcanic action than any other portion of North America. Unlike other streams, which are formed by rivulets and springs, this river is scarcely less formidable in its appearance at its commencement than at its termination. It leaps into rapids from the moment of its exit, and its waters, blackened by the basaltic bed through which it flows, roar and fret, and lash the sides of the gloomy cañon which it enters, presenting a scene of tumult and fury, that extends far beyond the limits of vision. This initiatory character it maintains, alternated with occasional reaches of quiet large expansions, and narrow contractions, fearful and tremendous cataracts, to its debouchure into the Columbia. Its channel and its course, alike sinuous, have obtained for it its name. Navigation is impeded by reason of fearful rapids, every few miles of the first five hundred after leaving the lake. The shores for most of the distance are barren rock, always precipitous, often inaccessible from

the river, and frequently engorged by lofty mountains and rocky cañons which shut its inky surface from the light of day. The scenery, though on the most tremendous scale, is savage, unattractive, and frightful. Its waters lash the base of the three Tetons, so celebrated as the great landmarks of this portion of the continent. As they approach the Columbia they break into frequent cataracts, the largest of which, the great Shoshone Fall, with a perpendicular descent of two hundred and fifty feet, presents many points of singular interest.

On the river, twelve miles above its mouth, at a point accessible from the Columbia by small steamboats, stands the little village of Lewiston, which, at the time of which I write, was the capital of all the vast territory that had been just organized under the euphonic name of Idaho. This territory then included Montana, which had not been organized. Lewiston, being the nearest accessible point by water to the recently discovered gold placers of Elk City, Oro Fino, Florence, and Warner Creek, grew with the rapidity known only to mining towns into an emporium. In less than three months from the time the first immigrants commenced to establish a settlement there, several streets of more than a

mile in length were laid out, thickly covered on either side with dwellings, stores, hotels, and saloons, chiefly constructed of common factory cotton. A tenement of this kind could be extemporized in a few hours. The frame was of light scantling or poles, and the cloth in most cases fastened to it with tacks. Seen from a distance, the town had the appearance of being built of white marble, but truly

"'Tis distance lends enchantment to the view,"

for upon entering it the fragility of the material soon disabused the vision and the admiration of the beholder. At night, when lights were burning in these frail tenements, a stranger would think the town illuminated. The number of drinking and gambling saloons was greatly in excess of stores and private dwellings, and to nearly all of these was attached that most important attraction of a mining town, the hurdy-gurdy. The sound of the violin which struck the ear on entering the street, was never lost while passing through it, and at many of the saloons the evidence of the bacchanal orgies which were in progress inside was often apparent in the eagerness exhibited by the crowd which surrounded the building without. The voices of auctioneers

on the street corners, the shouts of frequent horsemen as they rode up and down the streets, the rattle of vehicles arriving and departing for the miners' camps, troops of miners, Indians, gamblers, the unmeaning babble of numerous drunken men, the tawdrily apparelled dancing women of the hurdy-gurdys, altogether present a scene of life in an entirely new aspect to the person who for the first time enters a mining town. It is a feature of modern civilization which cannot elsewhere be found, search the whole world over. The thirst for gold is shared by all classes. Those who are unwilling to labor, in their efforts to obtain it by less honorable means, flock to the mines to ply their guilty vocations. Hence there is no vice unrepresented in a mining camp, and no type or shade of character in civilized society that is not there publicly developed. The misfortune is, as a general thing, that the worst elements, being most popular, generally preponderate.

Our civil war was raging at the time that Lewiston became a mining emporium. Sympathizers with each party fled to the mines, to escape the possible responsibilities they might incur by remaining in the States. They carried their political views with them, and identified themselves with those portions of society which reflected

their respective attachments. Loyalty and Secession each flourished by turn, and were the prolific causes of frequent bloody dissensions. There was no law to restrain human passion, so that each man was a law unto himself, according as he was swayed by the evil or good of his own nature. The temptations to evil, not so numerous, were much more powerful than were ever before presented to a great majority of the immigrants. Gambling and drinking were made attractive by the presence of debased women, who lured to their ruin all who, fortunate in the possession of gold, could not withstand their varied devices.

In the spring of 1861, among the daily arrivals at Lewiston, was a man of gentlemanly bearing and dignified deportment, accompanied by a lady, to all appearance his wife. He took quarters at the best hotel in town. Before the close of the second day after his arrival his character as a gambler was fully understood, and in less than a fortnight his abandonment of his female companion betrayed the illicit connection which had existed between them. Alone, among strangers, destitute, the poor woman told how she had been beguiled, by the promises of this man, from home and family, and induced to link herself with his fortunes. A fond husband and three helpless

children mourned her loss by a visitation worse than death. Lacking moral courage to return to her heart-broken husband and ask forgiveness, she sought to drown her sorrow by plunging still deeper into the abyss of shame and ruin. Soon, alas! she became one of the lowest inmates of a frontier brothel. This latest crime of Henry Plummer was soon forgotten, or remembered only as one of many similar events which occur in mining camps.

He, meanwhile, in the pursuit of his profession as a gambler, formed the acquaintance of many congenial spirits. From their subsequent operations it was also apparent that at his instigation an alliance was formed with them which had for its object the attainment of fortune by the most desperate means. Every fortunate man in any of the mining camps was marked as the prey, sooner or later, of this abandoned combination. Every gambler or rough infesting the camp, either voluntarily or by threats was induced to unite in the enterprise; and thus originated the band of desperadoes which, for the succeeding two years, by their fearful atrocities, spread such terror through the northern mines. Plummer was their acknowledged leader.

Professional gamblers everywhere, in a new

country, form a community by themselves. They have few intimates outside of their own number. A sort of tacit understanding among them links them together by certain implied rules and regulations, which they readily obey. Of the same nature, we may suppose, was the bond which united Plummer and his associates in their infernal designs of plunder and butchery. The honor which thieves accord each other, the prospect of unlimited reward for their vicious deeds, and the certainty of condign punishment for any act of treachery, secured the band and its purposes against any betrayal by its members.

Nowhere are the conventionalities of social life sooner abandoned than in a mining camp. To call a man by his proper name there generally implies that he is either a stranger or one with whom you do not care to make acquaintance. The gamblers were generally known by diminutive surnames or appellations significant of their characters. I shall so designate those of them who were thus known, in this narrative.

Prominent among the associates of Plummer at Lewiston, were Jack Cleveland, Cherokee Bob and Bill Bunton. Cleveland was an old California acquaintance, familiar with Plummer's early history. He used this fatal knowledge, as it

afterwards proved, in a dictatorial and offensive manner, often presuming upon it to arrogate a position in the band which by common consent was assigned to Plummer.

Cherokee Bob was a native Georgian, and received his name from the fact that he was a quarter-blood Indian. He was bitter in his hatred of the loyal cause and all engaged in it. Before he came to Lewiston he had, in an affray of his own plotting, killed two or three soldiers in the Walla Walla theatre. He fled to Lewiston to escape the vengeance of their comrades.

Bill Bunton was a double-dyed murderer and notorious horse and cattle thief. He had killed a man at a ball near Walla Walla, was tried for murder and acquitted on insufficient evidence. He afterwards killed his brother-in-law, and in cold blood soon after shot down an Indian, and escaped the clutches of the law by flight. Possessing himself of a ranche on Pataha creek, he lived there with his Indian wife, under the pretext of farming. It was soon ascertained, however, that his business was secreting and selling stolen stock. The officers made a dash upon his ranche, but the bird had again flown. Soon afterward, disguised in the blanket and paint of an Indian, he entered Lewiston, and lounged

about the streets for several days without exciting suspicion. During this time he became a member of Plummer's murderous band.

There were several others whose names are unknown, that entered into the combination formed for systematized robbery and murder at this time. Around this nucleus a large number of desperate men afterwards gathered. They became so formidable in numbers, and their deeds of blood were so frequent and daring, that the mining camps were awed by them into tacit submission, and witnessed without even remonstrance the perpetration of murders and robberies in their very midst, of the most revolting character.

CHAPTER V.

SOCIETY IN LEWISTON.

SHEBANGS — COMPLAINT OF NEZ PERCES — RECKLESSNESS OF ROUGHS, AND INDIFFERENCE OF CITIZENS — INCIDENTS AT THE SHEBANGS — HORSE ROBBERY — EXPRESS RIDERS — MOSE — HIS ESCAPE — FEARLESSNESS — SEVERITY OF WINTER — EFFECT UPON MINING — EXPOSURE TO CRIME — CONDITION OF LEWISTON IN THE WINTER OF 1861–2 — KIRBY MURDERS A COMRADE — HIS ARREST AND ACQUITTAL — MURDER OF HILTEBRANT — CITIZENS' MEETING — ROUGHS IN THE MAJORITY — PLUMMER'S INTERFERENCE — HILTEBRANT'S BROTHER.

TOWARDS the close of the summer of 1862, the band organized by Plummer having increased in numbers, he selected two points of rendezvous, as bases for their operations. These were called "shebangs." They were enclosed by mountains, whose rugged fastnesses were available for refuge in case of attack.

One was located between Alpwai and Pataha creeks, on the road from Lewiston to Walla Walla, about twenty-five miles from the former,

and the other at the foot of Craig's Mountain, between Lewiston and Oro Fino, at a point where the main road was intersected by a trail for pack animals. The location of the latter was upon ground reserved by treaty to the Nez Percés Indians, and near a military post established for its protection. The chief of the tribe complained, to the resident agent of the Indians, of the aggression. He laid the complaint before the commandant of the post, who treated it with neglect. The robbers occupied the spot without molestation, and when they abandoned it it was of their own accord.

There were several smaller stations nearer to Walla Walla and Lewiston, which were only occupied as occasion might require. A close communication was established between these localities, by which the operations of each were speedily known to all. Plummer, meantime, while secretly directing the affairs of the "shebangs" and issuing orders continually to the men, contrived to ward off suspicion from himself, and preserve the appearance of a harmless and inoffensive citizen of Lewiston. His notoriety as a gambler was shared by so many better men, and by a great majority of the miners themselves, that it really protected him in his

character as a robber. While, therefore, he was prying into the financial condition of those with whom his profession brought him in daily contact in town, he was at the same time informing his confederates at the shebangs of every departure which boded success to their enterprise.

Such of the population as were not, to a greater or less degree, involved in the gambling operations of the community, although perfectly cognizant of the designs of the robbers, were too insignificant in numbers to offer any active opposition. Being without organization, they hardly knew each other. Such was the state of feeling that, if a gambler or rough desired to possess any of the articles on sale by merchants or grocers, he entered a store, selected for himself the best the assortment afforded, and took it away with a request that it should be charged, or stated that some day when he was in luck he would pay for it. Rather than risk an affray, the dealer submitted to the imposition. Payment was generally made, the gamblers entertaining, among themselves, a standard of honor in such matters which it was considered disgraceful to violate.

The two roads upon which the shebangs were located were the only thoroughfares in the coun-

try, and not a day passed that they were not traversed by people in going to and returning from the interior mining camps, and in coming into and departing from the country. The number of robberies and murders committed by the banditti will never be known. Mysterious disappearances soon became of almost weekly occurrence. The danger which every man incurred of being robbed or killed was demonstrated by numerous escapes made by horsemen who had been assaulted and fired upon, and escaped by the fleetness of their horses. It was fully understood that whoever passed over either of these roads would have to run the gauntlet in the neighborhood of the shebangs, and people generally went prepared. Crime was fearfully on the increase all through the secluded districts which separated the river from the distant mining camps. The country itself, about equally made up of mountains, foot-hills, cañons, dense pine forests, lava beds, and deep river-channels, was as favorable for the commission of crime as for the concealment of its perpetrators.

The two shebangs swarmed with ruffians. On one occasion a party of half-a-dozen, while riding in the vicinity of Craig's Mountain, were stopped by a volley from the shebang, which, being

harmless, was returned. A number of well-mounted robbers started in pursuit. The party escaped by hard spurring, one of the number, to lighten his burden, throwing several large bags of gold dust into the grass. They were afterwards recovered. A butcher by the name of Harkness, of Oro Fino, was also assaulted, and fired upon, who owed his deliverance to the fleetness of his horse. Owners of pack trains never attempted to pass without force sufficient to intimidate the robbers.

The other shebang was used as a receptacle for stolen horses. It was under the superintendence of a noted horse-thief by the name of Turner, who had been a partner in the business with Bill Bunton. Any member of the band, whose claim to recognition was founded upon success in any thieving or bloody enterprise, could leave his jaded steed here in exchange for a fresh one. A single incident will illustrate the manner in which many of the horses were obtained. A gentleman riding a beautiful young mare, on his way from Oregon to Oro Fino, while she was drinking from the stream near by, was suddenly confronted by a man, who claimed her as his property. Several persons were witnesses to the meeting. Drawing a bill of sale of

the mare from his pocket, which he had obtained five hundred miles away, he dismounted, and was about to prove his ownership, when the ruffian jumped into the saddle, and, seizing the bridle, rode rapidly away. The wayfarer called upon the by-standers to assist in the recapture of the animal, instead of which they knocked him down, stripped him of everything in his pockets, and told him to leave. He entered Lewiston utterly destitute.

No occupation in the northern mines tested the courage and honesty of men more severely than that of Express riders. Their duties, in riding from camp to camp frequently for hundreds of miles, where there was not a dwelling, carrying large amounts of treasure, made them objects of frequent attack. Tried men were selected for this business — men as well known for personal bravery as for their adroitness in the use of weapons in personal encounter. The notoriety of this class was sufficient as a general thing to protect them from attack, unless it could be made under every possible advantage. It is a remarkable fact, and speaks as little in favor of the courage of the desperadoes, as in praise of the daring nobility of these early Express riders, that few of the latter were interrupted in the

discharge of their dangerous duties. They were ever upon the alert. It was the work of an instant only, when attacked, for them to draw and discharge their revolvers, with deadly effect, and follow up the smallest advantage with the no less fatal bowie-knife. One man has been known in an encounter of this kind to kill four assailants and escape unharmed.

Tracy & Co., of Lewiston, had a pony express route from that town to Salmon river, a distance of seventy-five miles. Their messenger, whom we only know by the name of Mose, was a man of great intrepidity, and perfectly familiar with all the risks of his business. In single encounter he was understood to be more than a match for any man in the mountains. Some time in the early fall of 1862 a plan was laid by Plummer and his associates to capture Mose. The place selected for the purpose was the trail crossing of White Bird creek, at a distance of sixty miles from Lewiston and eighteen from Salmon river. At this point the creek runs between very abrupt banks densely covered with cotton-woods, rendering both descent and ascent tedious and difficult. The robbers, in anticipation of the arrival of Mose, as usual on a keen lope, after darkness had set in had felled a tree across the trail at a suffi-

cient height to admit the passage of the horse, and at the same time strike the rider in the chest, and throw him suddenly from the saddle. They then intended to kill him and rob his cantinas, which it was supposed would contain several thousand dollars in gold dust. At Chapman's ranche, near the crossing, Mose was told that several suspicious characters had been prowling in the neighborhood during the afternoon, and with that keen sense which had been educated to scent danger from afar, he at once comprehended the whole plot. Carefully descending the bank, he discovered the snare, and turning to the left avoided it, hurried through the creek, and ascending the opposite bank cast a look of derision back upon the foiled highwaymen. This fearless messenger continued in service long after this event, but his future trips were made under the escort of well-armed assistants.

Winters are nowhere more dreary than among the miners. Frost and snow bring their labors to an end, and for three or four months they either remain in their camps in a state of listless inactivity, or seek for occupation and enjoyment in the excesses of the nearest populous settlement. Hundreds of them actually squander during the season of winter all that they have obtained by

the most severe toil during the rest of the year. With the terrible example constantly before him, he must be a man of resolute will who can long refrain from embracing vice in all its forms.

Gambling becomes a favorite occupation, and whiskey a common beverage. The society of abandoned women lures him on, until every moral, social, and virtuous resolution is broken down, and the experience of a few months of such a life wholly unfits him for a return to his earlier pursuits. This is the experience of nine-tenths of the young men who seek for fortune among the gold mines. Most of this class who had been occupied in placer digging during the summer and fall, at the first approach of cold forsook their mines, and crowded into Lewiston to spend the winter, bringing with them the hard earnings of their toil. Following in their wake came the professional gamblers and sports, and, mingling with the common mass, were the wretches who had reached the lowest depths of human depravity. A letter from one of the early settlers of Lewiston, written at the time, says: — "Late in 1862 a large number congregated here to pass the winter. About seventy-five per cent. of these were cut-throats, robbers, gamblers, and escaped convicts. Honest men were in a fearful

minority, and dared not lisp of the arrest and punishment of criminals; the villains had their own way in everything."

I record the following as an incident which will better illustrate the condition of society than anything I can write. A gambler named Kirby borrowed of another a revolver. Secretly withdrawing the charges from it, an hour later he returned it, and requested the owner to lend him a few ounces of gold dust, which was declined. Knowing that he had the money, Kirby, enraged at the refusal, put the muzzle of a loaded revolver to his temple and blew out his brains. No arrest was attempted. The cold-blooded, mid-day murderer walked the streets of the town during the entire winter, mingled in the sports, and escaped unwhipped of justice. Three years afterward he was arrested in Oregon, and turned over to the Idaho authorities, upon the requisition of Governor Lyon, but no witnesses appearing against him he was suffered to go at large.

In a state of society where the majority of the people depend upon vicious pursuits for a livelihood, want and destitution are the natural elements. Increase of crime in all its forms follows. All through the winter of 1861–2, and until returns began to come in from the mines

the following spring, Lewiston was daily and nightly a theatre where the entire calendar of crime was exhibited in epitome. Murders were frequent; robberies and thefts constant; gambling, debauchery, drunkenness, and all their attendant evils, openly flaunted in the face of day in defiance of law. Money and food were so scarce that robbery with the sporting community became an actual necessity. How to protect themselves against it sorely taxed the wit and tried the courage of the unfortunate property holders. Canvas walls offered slight resistance to determined thieves, and life was not protected by them from murderous bullets. An exemplification is furnished in the following incident: —

A German named Hiltebrant kept a saloon in a large canvas building in the centre of the town. It was the principal rendezvous for the Germans, and a popular retail establishment. Hiltebrant was known to possess a considerable amount of coin and gold dust, which the roughs resolved to appropriate. The barriers in the way involved only the possible murder of the owner and two friends who occupied a large bed in the front of the saloon. Between twelve and one o'clock in one of the coldest nights of the first week of January, the door was suddenly broken from its

hinges, and a volley of balls fired in the direction of the bed. Hiltebrant was instantly killed. His two companions, after returning the fire of the ruffians, seized the treasure and escaped. One of the villains was wounded in the finger. When the firing ceased, the robbers coolly entered the building, lighted a candle, and proceeded to search for the money. Finding none they departed, uttering curses upon their ill-fortune, not, however, until several citizens appeared upon the scene, and witnessed the enormity of their crime. The murderers passed fearlessly and unconcernedly through the crowd, no effort being made to arrest them, lest a rescue might be attempted, which would prove fatal to all concerned, and possibly result in the burning of the town. The next day, however, a meeting of the citizens was held, for the avowed purpose of punishing the murderers, and devising measures to arrest the further progress of crime.

This was the first effort at self-protection made by the people. The moment was a trying one. All knew that the roughs were in the majority, and none were bold enough to recommend open resistance to their encroachments, for fear of consequences. Henry Plummer took an active part in the proceedings, depicting with

fervid eloquence "the horrors of anarchy" and solemnly warning the people to "take no steps that might bring disgrace and obloquy upon their rising young city." Known as a gambler only, and suspected by few of any darker associations, his winning manner had the effect to squelch in its inception the initiatory movement, which at no distant period was to burst forth and whelm him with hundreds of his bloody associates in its avenging vortex.

The brother of the murdered Hiltebrant was in business at this time at the Oro Fino mines. Hearing of the murder, he openly avowed the intention of going immediately to Lewiston to bring the authors to justice. The banditti sent him a message that he would not live to get there, which had the effect to daunt him from his purpose, and the assassins, for the time, escaped punishment.

CHAPTER VI.

NORTHERN MINES.

Prospecting for Gold — Picture of a Veteran Prospector — Patrick Ford — Design of Roughs to kill him — He outwits them — Robbers leave Lewiston for Oro Fino — Robberies by the way — Entrance into Oro Fino — Assault on Ford's Saloon — Fight — Ridgely wounded — Ford killed.

Prospecting (as it is called) for gold placers and quartz veins has grown into a profession. No man can engage in it successfully unless he understands it. There are certain indications in the face of the country, the character of the rocks, the presentation of the strata, the form of the gulch, the gravel in streams or on the bars, the cement formation below it, or the shape of the mountains, which are known only to experienced prospectors, that determine generally the presence of the precious metals. Guided by these unmistakable signs, the veteran gold searcher is sustained in his solitary explorations

by the consciousness of possessing knowledge which must sooner or later lead to success. Impressed with the idea that as many rich gulches and productive veins have been found, so others remain to be discovered, — and that as those already developed have made their owners rich, so some fortunate discovery may do the same for him, he mounts his pony, and with pick, shovel, and pan, a magnifying glass, a few pounds of bacon, flour and coffee, his trusty rifle and revolver at hand, and his roll of blankets and not unfrequently a quart flask of whiskey, he plunges into the unexplored recesses of the mountains, and for weeks and months is lost to all the world of humanity beside himself. Alone, but encouraged by that hope which outlives every disappointment, he wanders hundreds of miles into the unvisited wilderness, the hero of countless adventures and the explorer of the world's great solitudes.

Men of this class are numerous in all gold-mining regions. Their very occupation makes them maniacs. They lose all relish for society, and think of nothing but the success they are one day to meet with in the pursuit of gold. Frequent as their discoveries often are, and promising as many of them proved to be, the one they are in search of lies still further onward. Aban-

doning to those who follow them discoveries which would assure them all the wealth they need, they lead on and on into the mountain labyrinth, pioneering the path of empire, to die at last alone, unfriended and destitute, beyond its utmost boundaries. It is to such men that we owe the discovery of all the gold regions which have contributed to our wealth since the days of Marshall.

Gold had been discovered west of the mountains in several portions of Washington Territory previous to this time. As early as the year 1852 H. M. Chase found it on a creek which flowed into the Grand Ronde river. He exhibited it at Portland, and such was the excitement it occasioned that several parties of discovery were organized, and plunged into the mountain recesses of that portion of Washington which afterwards became Idaho. Among others was one Pierce, who became infatuated with the idea that the river sands of this unexplored region were filled with diamonds. He searched for them very thoroughly, but the traditions of the time fail to inform me that he found anything more valuable than gold. An unimportant camp of the early miners, which received his name, has served to transmit his memory and mania to the

present period. These early explorations, leading deeper and deeper into the mountain wilderness, finally resulted in the discovery of the Florence and Oro Fino mines.

Thousands of people, lured by their discoveries, had nearly worked out the placers of Oro Fino during the summer of 1861. The Pacific world, alive to the importance of a region which promised such great additions to its wealth, kept up a stream of emigration to the placers, which exhausted all the sources of supply more rapidly than they could be filled. The world was there in miniature. Meantime the indomitable prospector kept in the van. Crossing the Salmon River range, he soon unveiled the riches of those placers which afterwards became known as Florence and Elk City. They were immediately occupied by thousands, and other thousands of the far East, thrilled with the story of their richness, were on their way to the new El Dorado. An hegira similar to that of 1849 again took place across the plains. Lewiston was no longer the base of operations. Among the earliest of those to abandon it for a point more favorable to the prosecution of their enterprise, were the banditti which had so long held its inhabitants in fear. Supplied with horses from the shebang

on the Walla Walla road, they departed from Lewiston in small parties, intending to recommence operations at a place afterwards to be selected, in the mountains of the interior.

The daring, adventurous, and courageous elements of character are necessarily developed and brought into frequent action in a mining country; and whenever these are found in combination with high moral principle, they are held in continual fear by men of criminal life. One bold, honest man will demoralize the guilty designs of a host of rascals. Nothing was so much dreaded by Plummer's murderous gang as the possible organization of a Vigilance Committee; and any man who favored it was marked for early destruction. Such a man was Patrick Ford, the keeper of a saloon in Lewiston. Ford was an active man in his own business, — eager in the pursuit of gain, but entirely upright in his dealings, and the open and avowed enemy of the roughs. He, more than any other member of the community, had urged the people of Lewiston to unite for their protection, and hang every suspected individual in the place; and he taunted them with cowardice when they disbanded without punishing the known murderers of Hiltebrant. As fearless as he was uncompro-

mising, he denounced the ruffians in person, and warned them that a time would come ere long when they would meet, at the hands of an outraged people, their deserts. He did not conceal from them his intention of following in the track of the prosperous miner, lead where it might, — which purpose they resolved to prevent. His death they regarded as necessary to their future prosperity. Having ascertained that he intended to leave Lewiston with a half-dozen dancing girls for the saloon he had established at Oro Fino, they laid a plan to insult him and involve him in a quarrel on his arrival at their shebang, and kill him. Ford was admonished of the design, which he foiled by avoiding the shebang. Being assured of his safe passage to Oro Fino, the robbers, led by Plummer, Ridgely, and Reeves, mounted their horses and started for the interior. Of the particular events of the early part of the trip, farther than that it was marked by the frequent robbery of travellers, I am unable to speak. When within seven or eight miles of Oro Fino, the robbers observed two Frenchmen, some distance apart, approaching them on foot. The one in advance was ordered to stop and throw up his hands, as in that position he was powerless and could not offer any resistance.

After a careful search of his person they found nothing of value, and bade him move on as rapidly as possible, telling him that it was "a rough country to be in without money" and that he "had better get out of it as soon as possible." With the other, whom they subjected to a like process, they were more fortunate, and, despite his solemn denial, found in his pocket a purse containing a thousand dollars in dust, which they appropriated, dismissing him with the remark that if he "had done the square thing and not lied they would have given him enough to take him to the Columbia, — but as it was, he might be thankful to get off with a whole carcass." Some idea may be formed of the daring and recklessness of this robbery when it is understood to have occurred at midday, near a town containing a population of several thousands, and on a thoroughfare thronged with travellers.

Uttering a shout of exultation, the robbers dashed into the town of Oro Fino with the impetuosity of a cavalry charge. Reining up in front of Ford's saloon, which they entered, they called loudly upon the bar-keeper for liquor. Ford was absent. When they had drunk, they commenced demolishing the contents of the saloon. Decanters, tumblers, chairs, and tables were

broken and scattered over the apartment. One of their number, more fiendish than the others, seized a lap-dog from one of the females and cut off his tail. At this juncture Ford himself came upon the scene. Boldly confronting the rioters, pistol in hand, he ordered them instantly to leave his premises. He charged them with the robbery of the Frenchmen, and denounced them as thieves, robbers, and murderers. They saw and feared his determination, and obeyed his commands with alacrity. He followed them into the street, and threatened them with punishment if they remained in town. They were about to act upon this hint, when Ford, fully armed, came to them a second time, and demanded the cause of their delay. He was answered with a bullet, inflicting a dangerous wound. The fire was returned, and the fight became general, — three against one. The robbers were protected by their horses, while their antagonist was openly exposed to their fire. Ford emptied the charges from one six-shooter, made five shots with the other, and was in the act of aiming for the last, when he fell dead, riddled with the balls of his adversaries. Ridgely was shot through the leg twice, and Plummer's horse disabled.

Such was the melancholy fate of Patrick Ford,

— a man long to be remembered as the friend of law and order, — the first, indeed, in the northern mines who dared to urge the extermination of the robbers, as the only remedy for their depredations. He literally sealed his principles with his life's blood.

Ridgely's wounds disabled him for service. He was taken by his companions to a ranche near the town, and as well cared for as circumstances would admit. Leaving him there, the other members of the band, fearful of the friends of Ford, seldom ventured beyond the limits of their camp.

CHAPTER VII.

CHARLEY HARPER.

CHARLEY HARPER ASSUMES TO BE "CHIEF" — CHEROKEE BOB — THEATRE IN THE MINES — DEPUTY SHERIFF PORTER'S ASSAULT UPON THE SOLDIERS ASSISTED BY CHEROKEE BOB — TWO SOLDIERS KILLED, OTHERS WOUNDED — SOLDIERS MARCH INTO TOWN IN PURSUIT OF CHEROKEE BOB — HE ESCAPES BY STEALING A HORSE AND FLEEING IN THE NIGHT TO LEWISTON — RIDGELY SHOOTS GILCHRIST AND ESCAPES TO OREGON.

A NEW candidate for bloody laurels now appears in the person of Charley Harper. He arrived in Walla Walla in the fall of 1861. A young man of twenty-five, of medium size, of erect carriage, clear, florid complexion, and profuse auburn hair, he could, but for the leer in his small inexpressive gray eye, have passed in any society for a gentleman. His previous life is a sealed book; — but the readiness with which he engaged in crime showed that he was not without experience. He told his landlord that he had no money, but that partners were coming who would relieve his neces-

sities. The second night after his arrival, several hundred dollars in gold coin were stolen from a lodger who occupied the room adjoining his. While intoxicated, the next day, he exhibited by the handful eagles which he said were borrowed from an acquaintance. No one doubted that he had stolen them: — but where officers were believed to wink at crime, prosecution was useless. Charley was not even arrested upon suspicion. The money he had obtained introduced him to the society of the roughs, with whom he became so popular that he aspired to be their leader. This honor was disputed by Ridgely, whom we left wounded in the last chapter, and by "Cherokee Bob," both of whom claimed precedence from longer residence and greater familiarity with the opportunities for distinction.

Circumstances soon occurred which enabled Charley, without disputation, to assume the rôle of chief of the Walla Walla desperadoes. Cherokee Bob, heretofore mentioned as an associate of Plummer at Lewiston, was an uneducated Southerner. His mother was a half-blood Cherokee, — hence his name. With a hatred of the North and the Northern soldiery born of prejudice and ignorance, and a constitutional faith in the superior prowess of the Southern people, and

with mercurial passions inflamed by the contest that was still raging, this ruffian was nearly a maniac in his adherence to the cause of Secession. He could talk or think of little else than the great inferiority of the Northern to the Southern soldiers, and was continually boasting of his own superior physical power. He would often taunt the soldiers of the garrison near Walla Walla. In ingenuity of vaunting expression, he far excelled Captain Bobadil himself; — but like that hero of dramatic fiction he was destined to experience a reverse more humiliating, if possible, than that of his great prototype. With shotgun in hand and revolver in his belt, it was his frequent boast that he could take a negro along with him, carrying two baskets loaded with pistols, and put to flight the bravest regiment of the Federal army.

No person who has witnessed a theatrical performance in a mining camp can forget the general din and noise with which the audience fill up the intervals between the acts. Whistling, singing, hooting, yelling, and a general shuffling of feet and moving about are so invariable as to form in fact, a feature of the performance. So long as they are unaccompanied by quarrelsome demonstrations, and do not become too

boisterous, efforts are seldom made to suppress them. The boys are permitted to have a good time in their own way, and the lookers-on, accustomed to the scene, are often compensated for any annoyance that may be occasioned, by strokes of border humor more enjoyable than the play itself.

Cherokee Bob, eager for an opportunity when he could wreak his demoniac wrath upon some of the Federal soldiers, with the aid and complicity of Deputy Sheriff Porter, who like himself was a Secessionist, contrived the following plan as favorable to his purpose: it was agreed between them, that on a certain evening Bob and his friends should attend the theatre, fully armed. Porter, under pretext of quelling disturbances between the acts, should by his insulting language and manner provoke an affray with the soldiers present, in the progress of which he would command Bob and those with him to assist, and thus under the seeming protection of law, save them from the consequences of any acts of vengeance they desired to commit. On the evening appointed, six or seven soldiers were seated side by side in the pit, a single one occupying a seat in the gallery behind them. Porter was near them, and Bob and his associates

in a position convenient to him. When the curtain fell upon the first act, the usual noises commenced, the soldiers joining in making them. Porter sprang from his seat, and striding in front of them, vociferated,

"Dry up there, you brass-mounted hirelings, or I'll snatch you bald-headed."

This insulting language produced the desired effect. Smarting under the implied reproach it conveyed, one of the soldiers sharply inquired,

"Why do you single us out, when there are others more boisterous?"

Porter waited for no further provocation, but drawing and cocking his revolver with one hand, and seizing the soldier nearest to him with the other, he dragged him ignominiously into the circle where he was standing, ordering the deputy city marshal and Bob and his friends to assist in arresting him. The soldiers offered resistance. An immediate *melée* was the consequence. The women and children in the audience screamed in affright. The other soldiers present rushed with drawn pistols to the rescue of their comrade. The one in the gallery sprang upon one of the officers with the ferocity of a wild beast. Cherokee Bob with a pistol in one hand and a bowie-knife in the other, his voice

wildly ringing above all other sounds, was in his true element. More than a dozen pistol shots followed in quick succession. Two of the soldiers were killed, and others fearfully mangled. Porter and his deputy assistant were each shot through a leg, the latter crippled for life. The work of blood was progressing, and but for the interference of an officer of the garrison, would have ended only with the death of the assassins.

The next day the soldiers appealed to their commanding officer for redress. He ordered those of them engaged in the affray to be placed under arrest, and dismissed the subject from his thoughts. Indignant at this unexpected treatment, about fifty of the soldiers armed themselves, and marched into town, with the determination to capture and hang Cherokee Bob, whom they knew to be the chief mover of the murderous assault. Disavowing all riotous intentions they informed the citizens of their design and commenced a thorough search for the murderer. He, meanwhile, fearful of their revenge, eluded them by leaving the town before the dawn of morning on a stolen horse for Lewiston.

The year before his appearance in Walla Walla Ridgely was living in Sacramento. During his sojourn there he acquired notoriety for his thiev-

ish and villainous propensities. One of the police corps, detecting him in the commission of a larceny, arrested him. He was convicted, and sentenced to imprisonment in the county jail. He vowed revenge against Gilchrist the policeman, but on his release fled to the gold mines. Soon after his arrival at Walla Walla he fell in with his old enemy, and secretly renewed the determination to take his life. Calling upon a friend to accompany him, he boldly entered a saloon where he knew Gilchrist to be and fired several shots at him. Gilchrist fell at the first fire. Ridgely, believing he had killed him, left the saloon, saying as he went, "I have thrown a load off my mind, and now feel easy." Gilchrist was badly wounded, but recovered. Ridgely, escaping arrest on the night of the assault, crossed the river into Oregon the next day, beyond the jurisdiction of the authorities of Walla Walla, which was in Washington Territory. From thence he went to Lewiston and joined Plummer.

Cherokee Bob and Ridgely being out of the way, Charley Harper, as next in rank on the scale of villainous preferment, became the Walla Walla chief.

CHAPTER VIII.

CHEROKEE BOB.

GOLD EXCITEMENT — ROBBERS GO TO FLORENCE — — ROBBERIES BY THE WAY — CHEROKEE BOB AND BILL MAYFIELD — CYNTHIA — JEALOUSY — A STRANGE HISTORY — BOB "SETTLED IN BUSINESS."

INTELLIGENCE of the discovery of extensive placers on the head waters of Salmon river, excelling in richness any former locations, had been circulated through all the border towns during the winter. The excitement consequent thereon was intense. Such was the impatience of the people to effect an early arrival there that many left Walla Walla and Lewiston in mid-winter, and on their way thither perished in the snows which engorged the mountain passes. Others, more cautious, awaited the coming of warm weather, and made the journey, — tedious, difficult, and dangerous at best, — with comparative safety. Among the latter number were Charley Harper and his band of brigands. Mounted on strong, fleet horses which they had

acquired during the winter, the criminal cavalcade with its chief at the head dashed up the river valley, insulting, threatening, or robbing every one so unfortunate as to fall in their way. Of the number prominent in the riotous column were Peoples, English, Scott, and Brockie — men whose deeds of villainy have blackened the criminal records of nearly all the larger cities of the Pacific slope. With none of the magnanimity which characterized Joaquin Murieta and the earlier brigands of California, and with all their recklessness of crime and murder, a meaner, baser, more contemptible band of ruffians perhaps never before disgraced the annals of the race. No crime was too atrocious for them to commit, no act of shame or wantonness was uncongenial to their grovelling natures. They were as totally depraved as a long and unchecked career of every variety of criminal indulgence could make them. Afraid of nothing but the law, and not afraid of that in these new and unorganized communities, they were little else than devils incarnate. Insensible to all appeals for mercy, and ever acting upon the cautious maxim that "dead men tell no tales," the only chance for escape from death for those whom they assaulted was in their utter inability

to do them injury. Human life regarded as an obstacle to their designs, was of no more importance than the blowing up of a safe or any other act which stood between them and their prey. Of course it was impossible that such a band of desperadoes should pass over the long and desolate route from Walla Walla to Florence without adventure.

On the second or third day after leaving Walla Walla, when nearing Florence, they met a company consisting of five men and a boy of sixteen, who were on their way to a neighboring camp. The brigands surrounded them, and with cocked pistols well aimed, gave the usual order, "throw up your hands." This order being obeyed, two of them dismounted to search the persons of their victims for treasure, the others meanwhile covering them with their revolvers. Five purses, containing amounts varying from fifty to five hundred dollars, were taken from them. The boy was overlooked, and had seated himself on a granite boulder by the roadside.

Scott, as he tells the story himself, approached him more from curiosity than expectation, when the following conversation ensued: —

"Come," said Scott, addressing him, "draw your weasel now."

"How do you know I've got any, stranger?" queried the youth.

"No fooling, I say. Hand out your buck-skin."

"You wouldn't rob a poor little devil like me, would you?"

"Don't keep me waiting longer, or I'll cut your ears off," — and Scott drew his bowie as if to carry the threat into execution.

"Well, I only get half-wages, you know. Is your heart all gizzard?"

"Get off from that stone and shell out, or I'll blow your brains out in a minute," said Scott.

The boy sprung up hurriedly, and with affected reluctance thrust his hand into his pocket.

"Well, stra-an-nger," he inquired with a peculiar drawl and quizzical expression of the eyes, "what do you take Salmon river dust at, anyhow?"

With this he drew forth an empty purse, and handing it to Scott, said: —

"If you think I've got any more, search me."

Pleased with the pluck and humor of the lad, one of the band threw him a five-dollar piece, and they galloped furiously on towards Florence.

Thundering into the town, they drew up

before the first saloon, fired their pistols, and urged their horses into the establishment. Without dismounting they ordered liquor for the crowd. All the by-standers partook with them. Harper ostentatiously threw one of the purses he had just seized upon th counter, telling the barkeeper to weigh out the amount of the bill, and after a few moments they left the saloon, "to see," as one of them expressed himself, "whether the town was big enough to hold them."

This irruption into Florence occurred while that city was comparatively in embryo. The great floods of immigration from the east and west had not arrived. Some months must elapse before the expectations of the robbers could be realized. Meantime they distributed themselves among the saloons and bagnios, and by means of gambling and frequent robberies, contrived to hold the community in fear and pick up a subsistence until the great crowd came.

Leaving them for a season, we will return to Cherokee Bob, whom we left in his ignominious flight from Walla Walla to Lewiston, on a stolen horse. That worthy had established himself in a saloon at Lewiston, and while there, renewed an acquaintance with an old pal known as Bill Mayfield.

Mayfield was a fugitive from justice from Carson City, Nevada, where in the winter of 1861-62 he renewed an acquaintance with Henry Plummer, whom he had known before that time in California. The governor of California had issued a requisition for the surrender of Plummer, and a warrant for his arrest was in the hands of John Blackburn, the sheriff at Carson City. Though efficient as an officer, Blackburn, while in liquor, was overbearing and boastful of his prowess. His reputation was bad among the leading citizens of the town. Foiled in his search for Plummer, who, he believed, was in the territory, and knowing of Mayfield's intimacy with him, he accused the latter with concealing him. Mayfield denied the charge, and to avoid a quarrel with Blackburn, who was intoxicated, immediately left the saloon where the interview occurred, but as a measure of precaution armed himself with a bowie-knife. Blackburn, rendered desperate by liquor, soon followed in pursuit of him, and at a later hour of the same day found him in another saloon. As he entered the front, Mayfield tried to leave by the rear door. Failing in this, he drew his knife, and concealed it in his sleeve. Approaching Mayfield in a bullying manner Blackburn said to him : —

"I will arrest Plummer, and no one can prevent it. I can arrest anybody. I can arrest you if I wish to."

"You can arrest me," replied Mayfield, "if you have a warrant for my arrest, but you can't without."

"I tell you," rejoined Blackburn tauntingly, "that I *can* arrest you, or any one else," and added with an oath, "I will arrest you anyhow," accompanying this threat with a grasp for his pistol. Mayfield, with flash-like quickness, slipped his knife from its place of concealment, and gave him an anticipatory stab in the breast. Blackburn then tried to close with him, and being much the stronger man would have killed him had not Mayfield jumped aside and plied his knife vigorously until Blackburn fell. He died almost instantly. Mayfield surrendered himself for trial, was convicted of murder, and sentenced to be hanged.

While awaiting execution in the penitentiary, two miles distant from Carson, a plan for undermining the prison was successful, and he escaped. The friends who effected this were among the best citizens of Carson. They deemed the sentence unjust, and as soon as he was out of confinement, mounted him on a good horse, provided

him with arms, and bade him leave the State as rapidly as possible. When his escape was discovered the next morning the jailer started in pursuit. He struck the track of the fugitive, and by means of relays, gained rapidly upon him. Mayfield's friends meantime were not idle. They managed to be apprised of his progress, followed close upon his pursuers, and by a short cut at a favorable point, overtook him, and, doubling back, concealed him at a ranche in Pea Vine valley, only forty miles from Carson City. There he remained six weeks, — many of the leading citizens of Carson meantime watching for an opportunity to aid his escape from the State. A careless exposure of his person led to his recognition and the discovery of his retreat. His friends were the first to learn of it, and before the officers could arrive at the ranche, Mayfield was on his way to Huffaker's ranche on the Truckee river, which was nearer Carson by half the distance than the ranche he had left. While the officers were scouring the country in pursuit of him, he remained there until spring, sharing a box stall with a favorite race-horse. When spring was far enough advanced to afford pasturage and comfortable travel, he was furnished by his friends with a good "outfit," and

made the journey unmolested to Lewiston, where he joined his old friends Plummer and Cherokee Bob.

Here he trumped up an intimacy with a woman calling herself "Cynthia," at that time stewardess of a hotel in Lewiston, and the fallen wife of a very worthy man.

In June, Cherokee Bob, accompanied by Mayfield and Cynthia, left Lewiston for Florence. Soon after their arrival the jealousy of Mayfield was aroused by the particular attentions of Bob to his mistress. On his part Bob made no concealment of his attachment for the woman, and when charged with harboring an intention of appropriating her affections, boldly acknowledged the soft impeachment. Cynthia possessed many charms of person, and considerable intelligence. She had, moreover, an eye to the main chance, and was ready to bestow her favors where they would command the most money. Bob was richer than Mayfield, and this fact won for him many encouraging smiles from the fair object of his pursuit. Mayfield's jealousy flamed into anger, and he resolved to bring matters to a crisis, which should either secure his undisturbed possession of the woman, or transfer her to the sole care of his rival. He had confidence

enough in Cynthia to believe that when required to choose between him and Cherokee Bob, her good taste, if nothing else, would give him the preference. He had not calculated on the strength of her cupidity. Confronting Bob, in her presence, he said, as he laid his hand on the butt of his revolver: —

"Bob, you know me."

"Yes," replied Bob with a similar gesture, "and Bill, you know me."

"Well now, Bob, the question is whether we shall make fools of ourselves or not."

"Just as you say, Bill. I'm al'ys ready for anything that turns up."

"Bob, if that woman loves you more than me," said Mayfield, "take her. I don't want her. But if she thinks the most of me, no person ought to come between us. I call that on the square."

"Well, I do think considerable of Cynthia, and you are not married to her, you know," replied Bob.

"That makes no difference. If she loves me, and wishes to live with me, no one shall interfere to prevent it."

"Well, what do you propose to do about it?" asked Bob, after a brief pause.

"Let the woman decide for herself," replied Mayfield. "What say you, Cynthia? Is it Bob or me?"

Thus appealed to, greatly to the surprise of Mayfield, Cynthia replied: —

"Well, William, Robert is settled in business now, and don't you think he is better able to take care of me than you are?"

This reply convinced Mayfield that his influence over the woman was lost. The quarrel terminated in a graceful surrender to Bob of all his claim upon her.

"You fall heir," said he to his successor, "to all the traps and things there are around here."

Cherokee Bob insisted upon paying for them; and Cynthia, true to the course of life she was pursuing, tried to soften the pangs of separation from her old lover by reiterating the question if he did not "think it the best thing that could be done under the circumstances."

Cherokee Bob forced a generous purse upon Mayfield, who left him with the parting injunction to take good care of the girl.

The woman shed some tears and, as we shall see at a later stage of this history, showed by her return to Mayfield that she entertained a real affection; and when, a year later, she heard of his

violent death, was heard to say that she would kill his murderer whenever opportunity afforded.

An explanation of the circumstances under which Bob became "settled in business" is not the least interesting part of this narrative. The senior proprietor of the leading saloon in Oro Fino died a few days before Bob's arrival. He was indebted to Bob for borrowed money. Calling upon the surviving partner soon after his arrival, Bob informed him of the indebtedness, and declared his intention of appropriating the saloon and its contents in payment.

"How much," inquired the man, "did you lend my partner? I'll settle with you, and pay liberal interest."

"That's not the idee," rejoined Bob. "Do you think me fool enough to lend a fellow five hundred dollars, and then after it increases to five thousand, square the account with a return of what I lent and a little more? That's not my way of doing biz. How much stock have you got here on hand?"

Bob carefully committed to writing the invoice verbally furnished.

"Now," said he, putting the memorandum in his pocket, "I'll hold you responsible for all these traps — the whole outfit. You've got to close

up and get out of this without any delay. I'll give you twenty-four hours to do it in. You must then deliver everything safe into my hands."

The unfortunate saloon-keeper knew that the law as administered in that mountain town would afford him no redress. He also knew that to refuse compliance with the demand of Cherokee Bob, however unjust, would precipitate a quarrel which would probably cost him his life. So when Bob, accompanied by two or three confederates, came the next morning to the saloon to take possession he was prepared to submit to the imposition without resistance. Walking within the bar, Cherokee Bob emptied the money drawer and gave the contents to his victim. He then invited his friends to drink to the success of the new "outfit," and finding himself in undisturbed occupancy, increased the amount of his gift to the man he had expelled to several hundred dollars. This was the manner in which he became, as Cynthia said, "settled in business."

CHAPTER IX.

FLORENCE.

FLORENCE — RULE OF THE ROUGHS — MURDER OF A GERMAN MINER — ONE ROUGH SHOOTS ANOTHER — BROCKIE KILLED BY CHAPMAN — HICKEY KILLED BY "SNAPPING ANDY" — MATT BLEDSOE — DIFFICULTIES OF MINING — EXPOSURES — PACK TRAINS — ROBBERY OF MCCLINCHEY'S TRAIN — ROBBERY OF BERRY BROTHERS, BY SCOTT, PEOPLES, AND ENGLISH.

FLORENCE was now the established headquarters of the robbers. Its isolated location, its distance from the seat of government, its mountain surroundings, and, more than all, its utter destitution of power to enforce law and order, gave it peculiar fitness as a base to the criminal and bloody operations of the desperate gang which infested it. At all hours of the day and night some of them were to be seen at the two saloons kept by Cherokee Bob and Cyrus Skinner. When one company disappeared another took its place, and at no time were there less than twenty or thirty of these desperadoes at one

or both of their haunts, plotting and contriving deeds of plunder and robbery which involved the hard earnings, possibly the lives, of many of the fortunate miners of the vicinity. The crowd from both east and west had arrived. The town was full of gold-hunters. Expectation lighted up the countenance of every new comer. Few had yet realized the utter despair of failure in a mining camp. In the presence of vice in all its forms, men who were staid and exemplary at home laid aside their morality like a useless garment and yielded to the seductive influences spread for their ruin. The gambling shops and hurdy-gurdy saloons — beheld for the first time by many of these fortune-seekers — lured them on step by step, until many of them abandoned all thought of the object they had in pursuit for lives of shameful and criminal indulgence.

The condition of society thus produced was fatal to all attempts at organization, either for protection or good order. Wholly unrestrained by fear or conscience, the robbers carried on their operations in the full blaze of mid-day. Affrays were of daily occurrence, and robberies took place in the public streets. Harper, the acknowledged chief, stained with the darkest crimes, walked the streets with the boldness and confi-

dence of one who gloried in his iniquity. Peaceable, honest, well-meaning citizens, completely overawed, were fortunate to escape insult or abuse, as they passed to and fro in pursuit of their occupations. Woe to the unfortunate miner who entered the town if it were known or believed that there was any treasure on his person! If not robbed on the spot, or lured into a hurdy-gurdy saloon, or cheated at a gambling table, he was waylaid by disguised ruffians on his return to his camp, and by threats and violence, or when these failed, by death itself, relieved of his hard-bought earnings. For one of these sufferers to recognize and expose any of his assailants was simply to insure his death at his hands the first convenient opportunity.

One of these side exploits was marked by features of peculiar atrocity. An aged, eccentric German miner, who lived alone in a little cabin three miles from town, was supposed to have a considerable amount of gold dust concealed in his dwelling. One morning, early in August, a neighbor discovered that the house had been violently entered. The door was broken and scattered in pieces. Entering, he beheld the mangled corpse of the old man lying amid a general wreck of bedding, boxes, and trunks.

The remains of a recent fire in a corner bore evidence of the failure of the design of the robbers to conceal their crime by a general conflagration. The miners were exasperated at an act of such wanton and unprovoked barbarity. A coroner's jury was summoned and such an inquest held as men in fear of their lives dared to venture. The verdict, as might have been anticipated, was "murdered by some person or persons unknown." Here the affair has rested ever since.

Acts of violence and bloodshed were not unfrequent among the robbers themselves. Soon after the murder of the German, a company of them, who had been gambling all night at one of the saloons, broke up in a quarrel at sunrise. Before they reached the street, a revolver in the hands of Brockie was discharged, killing instantly one of the departing brawlers. The murderer surrendered himself to a justice of the peace, and escaped upon the singular plea that the shot was accidental and did not hit the person he intended to kill. One of the jury, in a letter to a friend, wrote: "The verdict gave universal satisfaction, the feeling over the homicide among good citizens being that Brockie had done a good thing. If he had killed two of the ruffians instead of one, and then hung

himself, good men would have been better pleased."

Hickey, the intended victim, was one of the worst men in the band. The year following this occurrence, in a fit of anger induced by intoxication, at a store in Placerville he made a desperate assault upon a peaceable, inoffensive individual who was known by the name of "Snapping Andy." Hurriedly snatching a pickhandle from a barrel, Andy, by two or three well-directed blows, brought his career of crime and infamy to a bloody close.

For some reason, probably to place him beyond the reach of the friends of the murdered robber, Brockie was assigned to a new position. Ostensibly to establish a ferry at the mouth of Whitebird creek, a few miles from town, but really for the purpose of furnishing a convenient rendezvous for his companions, he took up his abode there. It was on the line of travel between Florence and a gold discovery reputed to have been made on a tributary of the Boise river.

About the middle of September, Arthur Chapman, son of the surveyor-general of Oregon, while waiting for ferriage, was brutally assaulted by Brockie, who rushed towards him with pistol

and knife, swearing that he would "shoot him as full of holes as a sieve, and then cut him into sausage meat." With an axe which he seized upon the instant, Chapman clove his skull to the chin. Brockie fell dead in his tracks, another witness to the fulfilment of that terrible denunciation, "whoso sheddeth man's blood, by man shall his blood be shed." Chapman was honorably acquitted of crime.

It will not be deemed out of place to record here the desperate fortune of one Matt Bledsoe, who became notorious as an independent free-booter, and killed several persons in the valley of the Upper Sacramento and Upper Willamette. His bloody character preceded his arrival at Florence in the fall of 1861. He acknowledged no allegiance to any band, and avowed as a ruling principle that he would "as soon kill a man as eat his breakfast." While engaged in a game of cards with a miner at a ranche on Whitebird creek in October, 1861, he provoked an altercation, but the miner being armed, he did not, as was usual with him, follow it up by an attack. The next morning, while the miner was going to the creek, he shot and killed him. Mounting his horse he rode rapidly to Walla Walla, surrendered to the authorities, asked for a trial, and on

his own statement that he "had killed a man in self-defence," was acquitted.

A leap forward in his history to twelve o'clock of a cold winter night of 1865 finds this same villain in company with another, each with a courtesan beside him, seated at a table in an oyster saloon in Portland. Some angry words between the women soon involved the men in a quarrel, which Bledsoe brought to a speedy termination by a fatal blow upon the head of his antagonist. He was immediately arrested, tried, convicted of manslaughter, and sentenced to the penitentiary for a long term of years. During the following fall he escaped, was rearrested, and after trial, returned to prison to serve out a prolonged sentence.

Perhaps in the early history of no part of our country were greater difficulties overcome in moving from one place to another than in the mining districts of Oregon and Idaho. Essentially a mountain region, and in all portions of it away from the narrow valleys formed by the streams filled with the remains of extensive volcanic action, its surface, besides being broken into deep cañons, lofty ridges, inaccessible precipices, impassable streams, and impenetrable lava beds, was also covered everywhere with the sharp

points and fissured hummocks which were cast out during a long and active period of primeval eruption. There were no natural roads in any direction. The trail of the Indian was full of obstacles, often indirect and generally impracticable. To travel with vehicles of any sort was absolutely impossible. The pack animal was the only available resource for transportation. The miner would bind all his earthly gear on the back of a mule or a burro and grapple with obstructions as they appeared, cutting his way through forests almost interminable, and exposing himself to dangers as trying to his fortitude as to his ingenuity. The merchant who wished to transport goods, the saloon-keeper who had liquors and billiard tables, the hotel-keeper whose furniture was necessary, all had to employ pack animals as the only means of transportation from the towns on the Columbia to the mining camps of the interior. The owner of a train of pack animals was always certain of profitable employment. His life was precarious, his subsistence poor, his responsibilities enormous. He threaded the most dangerous passes, and incurred the most fearful risks, — for all which he received adequate compensation.

The pack-train was always a lively feature in the gigantic mountain scenery of Oregon and

Idaho. A train of fifty or one hundred animals, about equally composed of mules and burros, each heavily laden, the experienced animal in the lead picking the way for those in the rear, amid the rocks, escarpments, and precipices of a lofty mountain side, was a spectacle of thrilling interest. At times, the least mis-step would have precipitated some unfortunate animal thousands of feet down the steep declivity, dashing him to pieces on the rocks below. Fortunately the cautious and sure tread of these faithful creatures rendered such an accident of very rare occurrence, though to the person who beheld them in motion for the first time the feeling was ever present that they could not escape it. The arrival of one of these large trains in a mining camp produced greater excitement among the inhabitants than any other event, and the calculations upon their departure from the Columbia river and their appearance in the interior towns were made and anticipated with nearly as much certainty as if they were governed by a published time-table.

The confidence of the owner of a train of pack-animals in their sagacity and sure-footedness relieved him of all fear of accident by travel, but he could never feel as well assured against the attacks of robbers. All the men in

charge of a train were well armed and in momentary expectation of a surprise. Frequently on the return trips they were entrusted by merchants with large amounts of gold dust. Opportunities of this character seldom escaped the vigilance of the robbers, — and any defect in the police of the departing train insured an attack upon it in some of the difficult passes on its route to the river.

The packer of a train belonging to Neil McClinchey, a well-known mercantile operator of the Upper Columbia, in October, 1862, when four days out from Florence, on his return to Walla Walla, was stopped by a masked party of which Harper was supposed to be the leader, and for want of sufficient force robbed of fourteen pounds of gold. As he gave the treasure into the hands of the assailants, the villain who took it said in a consoling tone: "That's sensible. If every man was as reasonable as you things would go along smoother."

Shortly after this robbery, Joseph and John Berry were returning to the river with their train. They had gone but forty miles from Florence, when they were confronted by three men in masks, who, with levelled pistols, commanded them to throw up their hands. Seeing

that resistance was useless they obeyed, and were relieved of eleven hundred dollars. The packers recognized the voices of David English and William Peoples, — and the third one was afterwards ascertained to be Nelson Scott. The victims returned with all possible expedition to Lewiston, where the report of their loss excited the most intense indignation.

CHAPTER X.

FIRST VIGILANCE COMMITTEE.

PURSUIT, ARREST, AND EXECUTION OF SCOTT, PEOPLES, AND ENGLISH — ARREST, TRIAL AND BANISHMENT OF "HAPPY HARRY" — ESCAPE OF "CLUB FOOT GEORGE" — CHARLEY HARPER FLEES TO COLVILLE.

As soon as the Berrys were assured of the identity of the villains who had robbed them they appealed to the people to assist in their capture. The robbers had stripped them of all their hard earnings, and they had the sympathy of every honest man in the community. Nothing more was needed to kindle into a flame of popular excitement the long pent-up fires of smothered indignation. Public sentiment was clamorous for the capture and punishment of the robbers. It gathered strength day by day, until it became the all-absorbing topic everywhere. Men assembled on the street corners, in the stores, in the saloons, and at the outside mining camps to compare views and consult upon measures of relief. Meantime, several parties, whose

faith in immediate action was stronger than in consultation, set out in pursuit of the robbers.

From the fact that they had passed south of Lewiston it was believed they had gone down the Columbia. Distributing themselves along the different roads and trails in that direction, the pursuers made diligent search for them in every nook and corner which could afford them a hiding-place. Their diligence was successful. The robbers had separated, but were arrested in detail, — Peoples at Walla Walla, Scott on Dry creek, near there, and English at Wallula, forty miles distant on the Columbia.

The only surprise they manifested upon being arrested was at the temerity of their captors. In a community which had so long held them in fear any legal interference with their business was deemed by them an outrage. They did not pause to inquire whether their reign was near its termination, nor think that perhaps the people had decided as between longer submission to their villainies and condign punishment for their actual crimes. If they had, their efforts to escape would have been immediate. As it was, they rested easy, and reflected savagely upon the revenge in store for their captors after their friends had effected their rescue.

They were taken in irons to Walla Walla. Judge Smith ordered their removal to Florence for trial. Such was the indignation of the citizens of Lewiston that on their arrival there it was determined they should be tried by the people. All confidence in the law and the courts was lost. Accordingly a committee was appointed to investigate the circumstances of the robbery and declare the punishment. The prisoners were taken in charge by the committee, and confined in an unfinished building on the bank of the Clearwater, which was strongly guarded. To make their work thorough and terrify others of the band who were known to be prowling about the saloons of Lewiston, a number of persons were appointed, with instructions to effect their immediate arrest. In anticipation of this course all suspected persons except one escaped by flight. This one, known by the name of "Happy Harry," was a simple fellow, who denied all association with the band, confessed to a few petty offences, and was discharged on condition that he would instantly leave and never return to the country. He has never been heard of since.

One of the shrewdest of the gang, who from a personal deformity was called "Club Foot

George," well known as a robber and horse-thief, escaped arrest by surrendering himself to the commandant of Fort Lapwai (a United States post twelve miles distant), who confined him in the guard house.

The final disposition of the three villains in custody was delayed until the next day. A strong guard of well-armed men surrounded their prison. Just after midnight the sleeping inhabitants of the town were roused by several shots fired in the direction of the place of confinement. In a few minutes the streets were filled with citizens. A former friend of Peoples, one Marshall, who kept a hotel in town, had, in attempting his rescue, fired upon the guard. In return he received a shot in his arm, and was prostrated by a blow from a clubbed musket. The cause of the *mêlée* being explained, the people withdrew, leaving the sentinels at their posts.

The next morning at an early hour the people gathered around the prison. The guards were gone and the door ajar. Unable to restrain their curiosity, and fearful that the robbers had been rescued, they pushed the door wide open. There, hanging by the neck, stark and cold, they beheld the bodies of the three desperadoes. Justice

had been anticipated, and the first Vigilance Committee of the northern mines had commenced its work. No one knew or cared who had done it, but all felt that it was right, and the community breathed freer than at any former period of its history.

Intelligence of the execution, with the usual exaggeration, spread far and wide through the mining camps. It was received with approval by the sober citizens, but filled the robber horde with consternation. Charley Harper, while on his way from Florence to Lewiston to gather full particulars, met a mountaineer.

"Stranger," he inquired, "what's the news?"

"I s'pose you've heard about the hanging of them fellers?"

"Heard something. What's the particulars?"

"Well, Bill Peoples, Dave English, and Nels Scott have gone in. They strung 'em up like dried salmon. Happy Harry got out of the way in time; but if they get Club Foot George, his life won't be worth a cent. They're after a lot more of 'em up in Florence."

"Do you know who all they're after?" asked Harper.

"Yes. Charley Harper's the big chief they're achin' for the most, but the story now is that

he's already hung. A fellow went into town day before yesterday, and said he saw him strung up out here on Camas Prairie. Did you hear anything of it back on the road?"

Harper needed no further information. He felt that the country was too hot to hold him, and that the bloodhounds were on his track. As soon as the miner was out of sight, he turned to the right, crossed the Clearwater some miles above Lewiston, and pursued a trail to Colville on the Upper Columbia, where we will take leave of him for the present.

CHAPTER XI.

NEW GOLD DISCOVERIES.

IMMIGRATION — DISCOVERIES IN DEER LODGE — AT BOISE — RIDGELY RECOVERS AND GOES TO ELK CITY — PLUMMER AND CLEVELAND GO TO SUN RIVER — SPEND MOST OF THE WINTER THERE — PLUMMER IN LOVE — QUARRELS WITH CLEVELAND.

WHEN the rumored discovery of extensive gold placers on Salmon river was confirmed, the intelligence spread through the Territories and Mississippi States like wildfire. Thousands of young men, thrown out of employment by the war, and other thousands who dreaded the evils which that great conflict would bring upon the nation, and still others actuated by a thirst for gain, utilized their available resources in providing means for an immediate migration to the land of promise. Before midsummer they had started on the long and perilous journey. How little did they know of its exposures! The deserts, destitute of water and grass, the alkaline plains where food and drink were alike affected

by the poisonous dust, the roving bands of hostile Indians, the treacherous quicksands of river fords, the danger and difficulty of the mountain passes, the death of their companions, their cattle, and their horses, breakage of their vehicles, angry and often violent personal altercations, — all these fled in the light of the summer sun, the vernal beauty of the plains, the delightfully pure atmosphere which wooed them day by day farther away from the abode of civilization, and the protection of law. The most fortunate of this army of adventurers suffered from some of these fruitful causes of disaster. So certain were they in some form to occur, that a successful completion of the journey was simply an escape from death. The story of the Indian murders and cruelties alone, which befell hundreds of these hapless emigrants, would fill volumes. Every mile of the several routes across the continent was marked by the decaying carcasses of oxen and horses, which had perished during the period of this hegira to the gold mines. Three months with mules and four with oxen were necessary to make the journey, — a journey now completed in six days from ocean to ocean by the railroad.

Some of the earliest of these expeditions, after entering the unexplored region which afterwards

became Montana, were arrested by information that it would be impossible to cross, with teams, the several mountain ranges between them and the mines. This discouragement was followed up by intelligence that the placers were overrun by a crowd of gold hunters from California and Oregon, and that large bands of prospectors were spreading over the adjacent territory. Swift on the heels of this came the rumor that new placers had been found at Deer Lodge, on the east side of the mountains.

The idea was readily adopted that the country was filled with gold placers, — that it was not necessary to pursue the track of actual discovery, but that each man could discover his own mine. Thus believing, the stream of emigration diverged, — some crossing the range to Fort Lemhi on the Lower Salmon, and others pursuing a more southerly course, with the hope of striking an old trail leading from Salt Lake to Bitter Root and Deer Lodge valleys. Some of this latter party remained on Grasshopper creek near the large cañon, where they made promising discoveries. The others went on to Deer Lodge, but being disappointed in the placers there, rejoined their companions and gave to their placer the name of Beaver Head Diggings, — that being

the name given by Lewis and Clarke to the river into which the creek empties.

While these discoveries were in progress on the east side of the mountains, a prospecting party which had been organized at Florence under the leadership of a Californian by the name of Grimes, discovered the mines on the Boise. They were one hundred and fifty miles south of Florence. Grimes and his party sunk their first shaft fifteen miles north-west of the site of Idaho City. While preparing to extend their explorations, they unfortunately fell into an Indian ambuscade and their leader was slain.

Intelligence of the Beaver Head and Boise discoveries unsettled all local projects for building up the towns of Florence, Elk City, and Oro Fino. They were immediately deserted by all who could leave without sacrifice. West Bannack, at Boise, and East Bannack, at Beaver Head, sprung into existence as if by enchantment.

Ridgely had now so far recovered from his wound as to be able to travel. Accompanied by him and Reeves, Henry Plummer left the vicinity of Florence and went to Elk City. There he met with several of his old California acquaintances who were familiar with his early history. Fearful of remaining lest they should deliver

him up to the authorities and cause him to be returned to California, or that a Vigilance Committee would visit him with heavier punishment, he suddenly departed, and ten days later made his appearance at Deer Lodge. He found the camp full of needy adventurers, the mines unpromising, and the chances few for replenishing his fortune by either gambling or robbery. After spending a few days of constantly increasing discouragement he started in company with Jack Cleveland for Fort Benton, intending to go down the Missouri by the first boat. Fortunate would it have been had he carried this design into execution. If it would not have saved him from a felon's death, it would have preserved the lives of those who afterwards became his victims.

Sixty miles from Benton, their horses jaded with travel, the two men stopped at the Government farm on Sun river for a few days' rest. In this secluded valley they were out of the way of pursuers. Carpeted with bunch grass, it afforded grazing for their half-starved horses, and in Mr. Vail, the man in charge of the farm, they found a very hospitable host. Divided centrally by the large and peaceful river, the valley stretched away on either side to numberless plateaus, remarkable for the uniform height and tabular

recession with which they rose to the summits of the lofty foot hills, which in their turn swelled gradually into a circumference of heaven-kissing mountains. Nothing but a few forests were wanting to make the scene one of unparalleled grandeur. These were measurably supplied by the parks of cottonwood which stretched along either bank of the river, affording shelter for the herds of elk, antelope, and deer that roamed unharmed over the boundless solitude.

Here, sheltered by the arms of kind relatives, Henry Plummer first saw the only being which inspired his bosom with virtuous love. A young, innocent, and beautiful girl, artless and loving as a child, won by his attention and gentlemanly deportment, and the tale seductive as that poured by the serpent into the ear of Eve, which he told of his love, against the advice of her sister and friends, crowned his happiness with her heart and hand. No stories of his past career, no terrible picture of the future, no tears and petitions, could stay the sacrifice. She felt the sentiment so beautifully expressed by Moore,

"I know not, I ask not, if guilt's in that heart,
I but know that I love thee, whatever thou art," —

and under its influence she linked her fortunes

with those of the robber, murderer, and outlaw, in the holiest of human ties.

A quarrel, of which this young lady was the innocent cause, took place between Plummer and Cleveland before the marriage of the former. Their old friendship was never re-established. Often during their residence at Sun river an exchange of bitter epithets only relieved their pent-up wrath. Afraid of each other, neither would leave the farm alone. Accordingly they went to Bannack in company, early in the winter of 1862–63. There we will leave them while we return to Florence to inquire after the fortunes of Cherokee Bob, whom we left a few chapters ago "settled in business."

CHAPTER XII.

DESERTION OF MINING CAMPS.

Effect of Decay in Mines — Florence in decline — New Year's Ball — Cynthia goes and is expelled — Wrath of Cherokee Bob and Willoughby — Attack on Jakey Williams — Fierce Street Fight — Bob and Willoughby killed — Cynthia returns to Mayfield.

The decay of a mining town is as sudden and rapid as its growth, and the causes which occasion it as problematical. Few, comparatively, of the great number of placer camps in the Rocky Mountains, once peopled with thousands, survive beyond the third year of their existence. As soon as the placers fail to remunerate the miners they are abandoned. The crowd departs, and if any remain, it is that sober, substantial class which is satisfied with small gain as the reward of unceasing toil. Intelligence of new discoveries brought to a failing placer will cause the immediate departure of great numbers engaged in working it. These stampedes are among the most notable features of mountain

life. Sometimes when the discovery of a new placer is announced, the entire population of a mining town strive with each other to be the first to reach it. Horses are saddled, mules are packed, sluices abandoned, and the long and unmarked route filled with gold hunters. Away they go, over mountains, across streams, through cañons and pine forests, with the single object of making the first selection of a claim in the new location. Not unfrequently it is the case that a single company is the first to learn of the discovery of a new rich placer. If the claim it has worked is abandoned the succeeding morning, it is received by the camp as incontestable evidence that a mine of superior richness has been found, — and hundreds start in pursuit of the missing company. Rumor is a fruitful cause of stampedes. Disappointments are more frequently the consequences than rewards. Instances are common where whole camps have been deserted to follow up a rumor, and be disappointed, and glad to return at last. There is nothing permanent in the life of a gold miner, — and beyond the moment, nothing strong or abiding in his associations.

> "Whither he goes or how he fares,
> Nobody knows and nobody cares."

Florence had suffered from these causes. The roving portion of the population had gone, some to Boise, some to Bannack, and some to Deer Lodge. Cherokee Bob and Cynthia still remained, but Harper had fled, and Peoples, English, and Scott slept the "sleep that knows no waking." Bill Willoughby, a suspected member of Harper's gang, was Bob's only companion.

The New Year was approaching. The good wives and daughters, in accordance with usual custom, proposed that it should be celebrated by a ball, — a proposition to which the other sex joyfully acceded. Extensive preparations were made for the supper and the ball-room attractively decorated. Cynthia made known to Bob her desire to go. He said in reply, "You shall go, and be respected like a decent woman ought to be." So he asked Willoughby to take his "woman to the ball, and," said he, "if things don't go right, just report to me." Cynthia assented to the arrangement, and Willoughby promised compliance. The guests had arrived when Cynthia, hanging on the arm of Willoughby, made her appearance. Scowls and sneers met them on every hand. A general commotion took place among the ladies. In little groups of five or six, scattered throughout the

room, they whispered to each other their determination to leave if Cynthia were permitted to remain. The managers held a consultation, and Willoughby was told that he must take Cynthia home. No alternative presenting, he obeyed.

The gentlemen present were prepared to meet any further disturbance, but none occurred, and the ball passed off pleasantly. The next day Cherokee Bob marshalled his forces to avenge the insult, but was restrained by the evident preparation with which the citizens anticipated his design. He and his companions swaggered around town flourishing their pistols and bowie-knives, boasting of their prowess, but careful of giving personal offence. It would have been well for them had their resentment cooled here, but Bob's malice was not to be satisfied so easily. Two days had passed, and Cynthia's humiliation was unavenged. Before the close of another it must be propitiated with blood. Accordingly, the next morning it was agreed between Bob and Willoughby that they would precipitate the battle.

The most efficient leader of the citizens was a saloon keeper by the name of Williams, familiarly called "Jakey." He was an athletic man, and a determined enemy of the robbers, by

whom he was held in great fear. He had been the hero of more than one desperate affray, and was regarded by Bob and Willoughby as the only obstacle in the way of their bloody project to kill the managers of the ball. The first act, therefore, in their contemplated tragedy was to dispose of him. "Jakey" at first sought to avoid them. They pursued him from house to house, till, tired of fleeing, he finally declared he would go no farther. Returning by a circuitous path, he was overtaken and fired upon by his pursuers while entering his saloon. He fired in return, and springing back, seized a loaded shotgun, and rushed into the street. Meantime, several citizens joined in the fight, which soon became general. The ruffians found themselves contending against fearful odds. Willoughby was slowly retreating with his face to his assailants, and firing as rapidly as possible. Cherokee Bob was pursuing the same strategy in an opposite direction. The twelfth fire exhausted Willoughby's pistols. He turned to run, with "Jakey" in full pursuit. Exhausted from loss of blood, which was pouring from sixteen wounds, he soon fell, and, throwing up his hands, exclaimed to one of his pursuers who was in the act of firing: —

"For God's sake, don't shoot any more. I'm dying now," and surrendered himself to death.

Bob beat a retreat at the first fire. Dodging behind a corner, where his head only was exposed, he fired upon his pursuers until his pistols were nearly empty. While aiming for another shot, a ball fired from an opposite window brought him to the earth, mortally wounded. He was taken to his saloon, and died the third day after the affray, in the full, and to him, consolatory belief that he had killed "Jakey" Williams at the first fire of his revolver. He had a brother living at Lewiston. His last words were, "Tell my brother I have killed my man and gone on a long hunt." His real name was Henry Talbert.

Cynthia was now without a protector. At his request she soon joined her old lover, Bill Mayfield, at Boise. This reunion was destined to be of short duration. The following spring Mayfield went to Placerville, Idaho, for a brief sojourn. A quarrel over a game of cards sprung up between him and one Evans. Mayfield drew his revolver, intending to settle it by a fatal shot, but Evans interposed: —

"I'm not heeled" — the mountain phrase for "I am not armed."

"Then go and heel yourself," said Mayfield, sheathing his revolver, "and look out the next time you meet me, for I'm bound to kill you at sight. One of us must die."

The next day, while Mayfield and two friends were walking in the suburbs, they came upon a muddy spot, across which a narrow plank had been laid. This necessitated crossing it in single file. Mayfield was in the centre. Evans was in a cabin beside the crossing, but a few feet distant. Seizing a double-barrelled shotgun, he fired upon Mayfield from his place of concealment, through an open window. Mayfield grasped for his revolver, but fell without power to draw it, exclaiming "I'm shot." He died in two hours, illustrating in his demise the Scriptural axiom, "with what measure ye mete, it shall be measured to you again." Evans was immediately arrested, but escaped from jail that night, and being furnished with a horse by a friend, fled the country, and was never apprehended.

After Mayfield's death Cynthia entered upon that career of promiscuous infamy which is the certain destiny of all women of her class. It is written of her that "she has been the cause of more personal collisions and estrangements than any other woman in the Rocky Mountains."

CHAPTER XIII.

BOONE HELM.

BOONE HELM — HIS EARLY LIFE — MURDERS SHOOT IN MISSOURI — TRIED AND CONVICTED, AND ESCAPES BY STRATAGEM TO CALIFORNIA — KILLS SEVERAL PERSONS AND FLEES TO DALLES — ATTEMPTS A JOURNEY ON HORSEBACK ACROSS THE TERRITORIES TO CAMP FLOYD IN UTAH — DISASTERS BY THE WAY — CANNIBALISM — JOHN W. POWELL'S LETTER — MURDER AT SALT LAKE — RETURNS TO WASHINGTON TERRITORY — FIGHTS WITH AND KILLS DUTCH FRED — CAPTURED ON FRAZER RIVER AND TAKEN TO BRITISH COLUMBIA — SUSPECTED OF KILLING AND EATING HIS COMRADE — CONFINED IN PENITENTIARY AT PORTLAND — THE HELM BROTHERS — COOLNESS OF "OLD TEX" — HELPS BOONE ON HIS TRIAL — BUYS UP WITNESSES — BOONE ACQUITTED AND GOES TO BOISE.

SOME men are villains by nature, others become so by circumstances. Hogarth's series of pictures representing in contrast the career of two apprentices illustrate this truth better than words. Both commenced life under the same influences. The predominance of good and evil

is exhibited by the natural tendency of one to overcome all unfavorable circumstances by close application to business, and by virtuous associations, and of the other to idleness, vicious indulgences, and corrupt companionship. The one becomes Lord Mayor of London, and in the discharge of official duty passes sentence of death upon the other.

The wretch I am now about to introduce to the reader was one of those hideous monsters of depravity whom neither precept nor example could have saved from a life of crime. Boone Helm was a native of Kentucky. His parents emigrated to one of the newest settlements in Missouri while he was a boy. The rough pursuits of border-life were congenial to his tastes. He excelled in feats of physical strength, and delighted in nothing more than a quarrel which brought his prowess into full display. He was an inordinate drinker, and when excited by liquor gave way to all the evil passions of his nature. One of the exploits recorded of him was that of hurling his bowie-knife into the ground and regaining it with his horse at full speed. On one occasion, while the circuit court was in session, the sheriff attempted to arrest him. Helm resisted the officer, but urging his

horse up the stairs into the court-room, astonished the judge by demanding with profane emphasis what he wanted of him.

In the year 1848 he married a respectable girl, but neither her affection nor the infant daughter born to him a year later could prevail with him to abandon his vicious and profligate habits. His wife sought security from his ill-treatment in divorce, which was readily granted. This freed him from family responsibilities, and he at once determined to emigrate either to Texas or California. Littlebury Shoot, a neighbor, while Helm was intoxicated, had, for pacific purposes, promised to accompany him, — intending when he was sober to avoid the fulfilment of the promise by explanation. Helm was told of his intention. He called upon Shoot, who had retired, and meeting him at the door of his house, with his left hand on his shoulder, in a friendly tone thus addressed him: —

"So, Littlebury, you've backed down on the Texas question, have you?"

Shoot attempted an explanation, but was stopped by the peremptory demand: —

"Well, are you going or not? Say yes or no."

"No!"

At the utterance of this reply, Helm buried his

bowie-knife in the breast of the unfortunate man, who, without a struggle, fell dead at his feet. Mounting his horse immediately, he rode away. The brother of the victim and a few resolute friends followed in pursuit. They tracked him through several neighborhoods and captured him by surprise at an Indian reservation, and returned him to Monroe county for trial. He was convicted of murder; but his conduct was such while in confinement as to raise serious doubts of his sanity. After his conviction, under the advice of physicians, he was consigned to the lunatic asylum, his conduct meantime being that of a quiet, inoffensive lunatic. His keeper, finding him harmless, indulged him so far as to accompany him on daily walks into the country surrounding the institution. On one occasion, on some urgent pretence, Helm asked permission to enter a willow copse, which was readily granted. Afterwards the desire to enter this copse whenever he approached it seemed to take the form of mania. Suspecting no ulterior design, his keeper indulged him. One day, meeting a friend near the spot, the keeper, during Helm's absence, engaged in conversation. Time passed unnoticed at first, but as the stay of Helm was prolonged, the keeper, fearing some accident had befallen him, made a

rapid search through the thicket. But the bird had flown. His stratagem was successful. He was never afterward seen in Missouri, but upon his escape he fled immediately to California. Several persons were killed by him while there, in personal rencontre. At length he committed actual murder, but escaped arrest by flight. In the spring of 1858 he arrived at Dalles, Oregon. Fearful of a requisition for his return to California, Helm, in company with Dr. Wm. H. Groves, Elijah Burton, Wm. Fletcher, John Martin, —— Field, and —— McGranigan, attempted a journey on horseback to Camp Floyd, Utah, sixty miles south-west of Salt Lake City, by way of Fort Hall. A ride of several days brought them to the Grand Ronde river. During that time they had become sufficiently acquainted with each other to banish all those feelings of distrust natural among strangers in a new country. Helm, who to his criminal qualities added the usual concomitant of being a loud-mouthed braggart, while narrating his exploits said in a boastful tone to McGranigan : —

"Many's the poor devil I've killed, at one time or another, — and the time has been that I've been obliged to feed on some of 'em."

"Yes," replied McGranigan, casting a sinister glance at Groves, "and we'll have more of that feasting yet."

The cold sincerity with which these words were uttered struck a chill to the heart of Groves, which experienced no relief when a few moments afterwards Helm proposed a plan for organizing a band of Snake Indians, and returning with them on a predatory excursion against the Walla Wallas.

"The Walla Wallas," said he, "own about four thousand horses. With such a band of Snakes as we can easily organize for the enterprise, we can run off two thousand of the best of those animals, and after dividing with the Indians, take ours to Salt Lake and dispose of them to advantage."

Groves, who had heard enough to satisfy him that a longer stay with this company would be accompanied by risks for which he had neither inclination nor fitness, mounted his horse at a late hour that night, and spurred back to the Dalles as rapidly as possible. On his arrival he sent intelligence to the chief of the Walla Wallas of Helm's contemplated foray, warning them to keep a careful watch upon their horses. His plans being frustrated, Helm remained in the vicinity till autumn, when, in company with his five companions, he continued his journey to Camp Floyd. Five hundred miles of this route lay through a wilderness of mountains, unmarked by a trail and filled with hostile Indians. It was late in October

when the party left Grand Ronde river. The mountains were covered with snow. Cold weather had set in for a season whose only changes for the next six months would be a steady increase of severities. The thermometer, seldom above, often marked a temperature thirty or forty degrees below zero in the mountains. The passes were snowed up to the depths of twenty and thirty feet. Wild game, however abundant in summer, had retreated to the forests and fastnesses for food and shelter. Snow-storms and sharp winds were blinding and incessant. Deep ravines, lofty mountains, beetling crags, and dismal cañons, alternated with impenetrable pine forests, inaccessible lava beds, and impassable torrents, encumbered every inch of the way. Death on the scaffold or escape through this terrible labyrinth gave the alternative small advantage of the penalty. Small as it was, Helm and his companions took the risk and plunged into the mountain wilderness. He alone escaped.

In the absence of other narratives of this remarkable adventure, I record his own, as detailed to John W. Powell in April of the following year. Mr. Powell says: —

"N. P. Langford,

"Dear Sir: On the 10th of April, 1859, I was on my way from Fort Owen, Bitter Root

valley, to Salt Lake City. My party consisted of one American named James Misinger, a Frenchman called 'Grand Maison,' a French half-breed named Antoine, and three Indians.

"I had crossed the Snake river just above Fort Hall, pitched my lodge, and was entering to indulge in a brief sleep, when I heard some one outside ask in a loud tone of voice, 'Who owns this shebang?' Stepping to the door and looking out, I saw a tall, cadaverous, sunken-eyed man standing over me, dressed in a dirty, dilapidated coat and shirt and drawers, and moccasins so worn that they could scarcely be tied to his feet. Having invited him in and inquired his business, he told me substantially the following: —

"His name was Boone Helm. In company with five others he had left Dalles City, Oregon, in October, 1858, intending to go to Camp Floyd, Utah Territory. Having reached the Raft river, they were attacked by a party of Digger Indians, with whom they maintained a running fight for several miles, but none of the party was killed or severely wounded. Late in the evening they reached the Bannack river, where they camped, picketed their horses near by, and stationed two sentinels. During the night one of the sentinels

was killed, the savage who committed the deed escaping on a horse belonging to the party.

"Upon consultation, it was decided that they had better leave that place as soon as possible. The sky at the time was overcast with storm-clouds, and soon after they got into their saddles the weather culminated in a snow-storm, which increased in violence until it became terrific. Finally, being unable to see anything but sheets of snow, they became bewildered, and knew not in what direction they were proceeding. Morning brought no relief. In the midst of an ocean of snow, they were as oblivious of locality in daylight as if total darkness had encompassed them. They knew they were somewhere between Ross's Fork and the Bear river, and this was their most definite knowledge.

"At last they reached Soda Springs on Bear river, where familiar landmarks came in view. They then travelled up that river until they reached Thomas's fork, where they were forced to stop, from the lean and exhausted condition of their horses and the depth of the snow. Here they found a very comfortable cabin, and perforce went into winter quarters.

"Their provisions soon being all gone they commenced subsisting on their horses, killing one

after another, until they had eaten them all but a celebrated race-horse which had been valued on the Upper Columbia at over a thousand dollars. Seeing now that they must all perish unless they soon reached a point where supplies could be obtained, the race-horse had to share the fate of the others. His meat was 'jerked' or hastily dried, that they might the more conveniently carry it on their backs. They then made snow-shoes of the hides of the horses, and started back towards, and aimed to reach, Fort Hall, where they supposed they would meet with human beings of some kind, white men, half-breeds, or Indians.

"The party kept together until they had got beyond Soda Springs, where some had become so exhausted they could scarcely travel, — and their meat getting frightfully small in amount, Helm and a man named Burton concluded not to endanger their own lives by waiting for the wearied ones, so they left them behind.

"The two finally reached the Snake river, and moved down it in search of Fort Hall, having nothing to eat but the prickly-pear plant. When they had reached the site of Cantonment Loring, Burton, starving, weary, and snow-blind, was unable to proceed; and a good vacant house being

there, Helm left him, and continued on for Fort Hall.

"Reaching the fort, he found it without an occupant. He then returned and reached Burton about dark. When out in the willows hard by, procuring firewood, he heard the report of a pistol. Running back into the house, he found Burton had committed suicide by shooting himself. He then concluded to try and find his way into Salt Lake valley. Cutting off, well up in the thigh, Burton's remaining leg (he had eaten the other), he rolled the limb up in an old red flannel shirt, tied it across his shoulder, and started.

"About eight miles out he met an Indian going in his lodge. He entreated the savage to take him along; but the Indian said he had nothing himself to eat, and that his family were starving. Helm exhibited handfuls of gold coin, when the Indian consented to his accompanying him.

"He remained at this lodge about two weeks, paying the Indian ten dollars a meal. His food consisted of ants and an unpalatable herb, called in the mountains the 'tobacco plant.'

"The above facts Helm gave me with tears in his eyes, and said, 'I will give you all I have in the world, — which is only nine dollars, — to take

me to the settlements.' I told him I did not desire money for helping a man in his condition.

"That same evening the Indian with whom Helm had been stopping, visited me. His name was Mo-quip. I had known him for several years. He fully corroborated Helm's story, in regard to the carrying and eating the body of his companion. 'When I first tasted of the flesh,' said Mo-quip in his own tongue, 'I knew not what it was, but told the stranger it was *bueno* * game, — better than I had myself. The stranger then took hold of one of the corners of a red shirt that was around his pack, and jerked it up, when a white man's leg, the lower end ragged from gnawing, rolled out on the ground.' Altogether Helm had paid Mo-quip two hundred and eighty dollars.

"Having given him a new suit of buckskin, and furnished him with a horse, he set out with my party for Salt Lake City. Just after pitching my lodge the first evening after starting with him, 'Grand Maison,' very much frightened, came to me with a sack of gold coin which he said Helm had asked him to conceal until they reached Salt Lake City. I took the money and counted it — it amounted to fourteen hundred dollars.

"Though satisfied there was something wrong,

* Good.

I said nothing, and took Helm on to the settlements. Having ascertained in the meantime that he was the worst kind of a desperado, I called him to me as soon as we had reached the end of the journey, and handed him his money, saying, 'You can now take care of yourself.' He coolly put the coin in his pocket, without expressing a syllable of thankfulness for the assistance I had rendered him.

"It was not long until he had squandered all he had in gambling and drinking, and was finally expelled from Salt Lake valley for his atrocities.

"Hoping these facts may be of service to you, allow me to subscribe myself,

"Your obt. servant,

"JOHN W. POWELL."

We have good reason for believing that before Helm fled from Salt Lake City he murdered, in cold blood, two citizens, at the instigation of some of the leading Mormons, who, after the deed was done, concealed him, and finally aided in his escape from arrest. Certain it is, that after leaving there, he travelled through southern Utah, and by a long circuit reached San Francisco, from whence he returned by water to the Dalles in Oregon.

Here he engaged in fresh villainies. Several murders which were committed along the route leading from the Columbia river to the gold mines were laid to his charge. At one time, in Washington Territory, he stole a herd of horses which he sold at Vancouver's Island. In this course of varied and hardened crime he passed his time till the spring of 1862, — with his usual good fortune escaping detection or arrest. In June of that year he made his appearance in Florence, where he soon found, among the roughs, congenial associates.

A man of that mixed character which united the qualities of a gambler, a skilful pugilist, and an honest, straightforward miner in his single person, known only as "Dutch Fred," at this time enjoyed a local notoriety in Florence which had won for him among his comrades the appellation of "Chief." He was neither a rowdy nor desperado, and in ordinary deal, honest and generous; but he gambled, drank, and when roused, was a perfect Hercules in a fight. Helm having been plied with liquor, at the request of an enemy of Fred's sought him out for the purpose of provoking a fight. Entering the saloon where Fred was seated at a faro table, Helm, with many oaths and epithets and flourishes of his

revolver, challenged Fred to an immediate deadly combat. Fred sprung up, drew his knife, and was advancing to close with the drunken braggart, when the by-standers interfered, and deprived both of their weapons, which they entrusted to the keeping of the saloon-keeper, and Fred returned quietly to his game.

Helm apologized, and expressed regret for his conduct, and left the saloon. A few hours afterwards he returned. Fred was still there. Stepping up to the saloon-keeper, Helm asked for his revolver, promising that he would immediately depart and make no disturbance. No sooner was it returned to him than he turned towards Fred, and uttering a diabolical oath, fired at him while seated at the table. The ball missed, and before the second fire, Fred, unarmed, with his arms folded across his breast, stood before his antagonist, who, with deadlier aim, pierced his heart. He fell dead upon the spot. Helm cocked his pistol, and looking towards the stupefied crowd, exclaimed, —

"Maybe some more of you want some of this!"

As no one deigned a reply, he walked coolly away.

If Helm was arrested for this murder, he

escaped; for the next we hear of him he was captured on Frazer river in the fall of 1862, as will appear from the following extract from a British Columbia paper: —

"The man, Boone Helm, to whom we referred some weeks since, has at last been taken. He was brought into this city last night strongly ironed. The first clue of the detectives was the report that two men had been seen trudging up the Frazer river on foot, with their blankets and a scanty supply of provisions on their backs. The description of one corresponded with the description given by the American officers of Boone Helm. Helm's conduct on the road is conclusive evidence that he was aware he was being pursued. He passed around the more populous settlements, or through them in the night time. When overtaken, he was so exhausted by fatigue and hunger that it would have been impossible for him to have continued many hours longer. He made no resistance to the arrest, — in fact, he was too weak to do so, — and acknowledged without equivocation or attempt at evasion that he was Boone Helm. Upon being asked what had become of his companion, he replied with the utmost *sang froid*: —

"'Why, do you suppose that I'm a —— fool

enough to starve to death when I can help it? I ate him up, of course.'

"The man who accompanied him has not been seen or heard of since, and from what we have been told of this case-hardened villain's antecedents, we are inclined to believe he told the truth. It is said this is not the first time he has been guilty of cannibalism."

While on his return for trial in the spring of 1863, leave was obtained from the proper authorities at Portland, Oregon, to confine him in the penitentiary there until provision could be made to secure him safely at Florence. There I will leave him for the present, as, after accompanying me thus far through the horrible narrative of his adventures, my readers doubtless, now that he is fairly within the sharp fangs of the law, hope soon to learn that justice has finally overtaken him, and that the world is freed from his further depredations.

Three brothers of Boone Helm came to the Pacific coast between 1848 and 1850. They all died violent deaths. At the time of the return of Boone Helm to Florence for trial for the murder of "Dutch Fred," one of these brothers, familiarly called "Old Tex," was engaged in mining in the Boise diggings, two hundred miles south of

Florence. He had a good reputation for honesty, liberality, and courage. He was, moreover, a man of eccentric character. It is told of him that in one of the mining towns he threatened to shoot on sight a person with whom he had a personal difficulty. His enemy hearing of this, swore to reciprocate the intention upon the first opportunity. A chance soon after offering to carry his threat into execution, he said to "Old Tex," as he presented his pistol to fire, —

"Tex, I heard that you said that you'd shoot me on sight."

Looking around, "Tex" replied, "Well, didn't you say you would shoot me, too?"

"Yes, I did."

"Well, why don't you do it then? All you've got to do is to pull that trigger, and that's the last of 'Old Tex.'"

This stoical bravery won the admiration of the man and defeated his bloody purpose.

"Tex," said he, "I don't want to kill you."

"Do you mean that?" asked "Tex."

"I do."

"That suits me," replied "Tex," "let's go and take a drink." And thus their enmity ended in making them fast friends. "Tex" was killed by being thrown from a wild horse, in Walla Walla, in the year 1865.

It was to this brother that Boone Helm, when he found all hope of escape at an end, applied for assistance. True to the fraternal instinct, "Tex" promptly responded, and soon made his appearance in Florence, with a heavy purse. He soon satisfied himself that unless the testimony could be suppressed, the trial must result in conviction; and to this object he immediately addressed himself. Some of the witnesses had left the country. "Tex" succeeded in buying up all that remained, except one. He wanted an extravagant sum. "Tex" finally agreed to pay it, if he would at once leave the country and never return. The extortionist accepted the conditions. Fixing his cold, gray eye on him, "Tex," as he handed him the money, said: "Now, remember, if you do not fulfil the last condition of the bargain, you will have me to meet."

Shylock knew the character of the man too well to trifle with him.

The day of trial came, no witnesses appeared, the case was dismissed, and the red-handed murderer and cannibal was again at liberty to prowl for fresh victims. The true-hearted brother who had purchased his life, as soon as he was free, took him kindly by the hand, and in a voice choked with emotion, said to him, —

"Now, Boone, if you want to work and make an honest living, go down to Boise with me. I have plenty of mining ground, and you can do well for yourself: — but if you must fight, and nothing else will do you, I will give you an outfit to go to Texas, where you can join the Confederate armies, and do something for your country."

Boone accompanied his brother to Boise, and for a while engaged in mining, but it was not a congenial occupation. He soon signified his desire to go to Texas, and "Old Tex," true to his promise, furnished him clothing, a horse, and a well-filled purse. He set out in quest of new adventures, but, as we shall see hereafter, did not go to Texas.

CHAPTER XIV.

CHARLEY HARPER.

CHARLEY HARPER AT COLVILLE — NEW YEAR'S BALL — KICKS AND ABUSES A WOMAN — IS PURSUED BY THE PEOPLE, UPON WHOM HE FIRES — CAPTURED AND HUNG — VIGILANTES OF FLORENCE BANISH "FAT JACK" — HE RETURNS, IS WARNED, AND LEAVES TOWN — STOPS AT NESELRODE'S CABIN — COMPANY FIRE UPON THE CABIN — KILL NESELRODE AND "FAT JACK" — WHO TO BLAME.

WE return now to Charley Harper, whom we left at Colville on the Upper Columbia, a fugitive from the Vigilantes of Florence. Fear had exercised a healthful restraint upon his conduct, and during the brief period that had elapsed since his flight, though by no means a model citizen, he had been guilty of no offences of an aggravated character. He was, however, known to be a favorite with the roughs, a gambler, a drunkard, and a man of desperate resources. Good men shunned and watched him. Had there been a Vigilante organization in existence then, he would have received its closest observation. But

in a condition of society where all classes intermingled, he contrived to slip along without molestation.

New Year's Day brought with it the customary ball, to which all were invited. The preparations were on a scale commensurate with the wishes and means of the miners, who generally, upon such occasions, spare no expense while their money holds out. Everybody in the town was in attendance, Charley Harper among the number. Attracted at an early hour of the evening by the sparkling eyes and voluptuous person of a half-breed woman, he devoted to her his entire attention, dancing with her often, and bestowing upon her many unmistaken civilities. As the evening wore on, Charley became boisterous, swaggering, and noisy. His inamorata declined his further attentions, and refused his hand for a dance. Incensed to madness by this act, crazy with liquor, he knocked her down, and beat and kicked her in a most inhuman manner after she had been prostrated. This roused the indignation of the by-standers, and Charley, seeing vengeance in their demonstrations, fled in terror before them. They pursued him through the streets, he retreating and firing upon them until he had emptied his revolver. The pursuit ended in his capture,

a rope was procured, and in a few moments afterwards the lifeless form of the wretched desperado was swinging in the cold night wind from the limb of the tree nearest the place of his arrest. Thus ended the life of one who, among his own associates, bore the name of being the meanest scoundrel of their gang.

After the affray which terminated in the death of "Cherokee Bob" and Willoughby, the Vigilantes of Florence met, passed congratulatory resolutions, and renewed their measures for the effectual suppression of crime in their midst. Their Executive Committee was instructed to warn all suspicious characters to leave the place immediately, — and they determined to visit with condign punishment those who disobeyed. The leading men among the offenders had fled in anticipation of some public demonstration, so that those who remained were few and powerless. Among these was a tall, lean, cadaverous individual, derisively called "Fat Jack," who, like "Happy Harry," belonged to that class of negative scoundrels, whose love for crime is confined by fear to petty thefts. "Fat Jack" obeyed the order to leave, and went to Walla Walla. Brooding over his expulsion with increasing indignation, and encouraged in the belief that he could return with-

out molestation, after a short period he went back to Florence, muttering by the way violent threats against those who had banished him. Two months had elapsed since his hegira. It was late in the afternoon of a cold, stormy, March day when he entered the town. At his first appearance he was promptly waited upon by the members of the Executive Committee, who ordered him to retrace his steps at once, or he would be hanged. Hard as this order may seem to the casual reader, to have neglected it would have endangered the efficiency of the committee and opened a way for a return of the roughs to their old haunts.

The poor wretch turned his face to the storm, and wandered through the darkness, sleet, and wind, despairingly, from cabin to cabin, in search of food and lodging. Every door was closed against him, and he was rudely and unpityingly told to "Be gone," by all from whom he sought relief. At a distance of four miles from Florence he stopped at a late hour of the night at the door of a worthy man by the name of Neselrode. Jack answered frankly the old man's questions. Neselrode admitted him, gave him supper, and a bed by his cabin fireside. A hired man was the only other occupant of the house.

At a later hour of the night, two men roused Mr. Neselrode, and demanded the person of "Fat Jack." Neselrode, on being told that they had no authority, refused to surrender him to an irresponsible party, as to do so would be on his part a violation of the laws of hospitality. His refusal was followed by the instant discharge of two double-barrelled shot-guns which riddled the door with buckshot, and stretched in death-throes both the kind-hearted host and his criminal guest. The one surviving man threw open the door, and bade the dastardly ruffians to enter, telling them the murderous effects of their shots. They availed themselves of the darkness to flee without recognition. None of the citizens of Florence were more indignant when told of this cruel assassination than the Vigilantes themselves. A meeting was held denouncing the perpetrators, and pledging the citizens to the adoption of every possible means for their early detection and punishment. Alas! the criminals remain to this day undiscovered. They belonged, doubtless, to that class of officious individuals, of whom there are many in the mining camps, who in point of moral character and actual integrity are but a single remove from the criminals themselves, — men who live a cheating, gambling, dissipated life, and seek a

cover for their own iniquities by the energy and vindictiveness with which they pursue others accused of actual guilt. If the various protective societies which at one time and another have sprung up in the mining regions to preserve peace and good order are liable to any charge of wrong, it was their neglect to punish those men who used the organization to promote their own selfish purposes, and in the name of Vigilante justice committed crimes which on any principle of ethics were wholly indefensible. The fact that in some instances wrongs of this kind have occurred, only adds to the proof, that in all forms of society, whether governed by permanent or temporary laws, there are always a few who are adroit and cunning enough to escape merited punishment.

CHAPTER XV.

PINKHAM AND PATTERSON.

CHARACTER OF PINKHAM — HIS BIRTHPLACE — HIS LIFE IN CALIFORNIA — GOES TO FLORENCE — IS APPOINTED U. S. MARSHAL OF IDAHO — CHARACTER OF PATTERSON — HE KILLS STAPLES — IS ACQUITTED OF MURDER — DIFFERENCE IN THE CHARACTERS OF THE TWO MEN — PINKHAM ARRESTS PATTERSON — THEY MEET AT WARM SPRINGS — PATTERSON KILLS PINKHAM — PATTERSON ARRESTED BY ROBBINS — PATTERSON'S CRUELTY — ORGANIZATION OF VIGILANTES — CONFRONTED BY A SHERIFF'S POSSE — VIGILANTES DISBAND — TRIAL OF PATTERSON — ACQUITTAL — GOES TO WALLA WALLA — IS KILLED BY DONAHUE.

No two men filled a broader space in the early history of the Florence mines than Pinkham and Patterson. Their personal characteristics gave them a wide-spread notoriety, and a sort of local popularity, which each enjoyed in his separate sphere. They were both leaders, after their own fashion, in the heterogeneous society in which they moved, and he was deemed a bold man who would gainsay their opinions, or resist their enterprises.

They were both gamblers, and lived the free and easy life of that pursuit; a pursuit which, in a new mining camp, next to that of absolute ruffianism, enabled its votaries to exercise a power as unlimited as it is generally lawless and insurrectionary. Indeed, there, it is the master vice, which gives life and support to all the other vices, and that surrounds and hedges them in.

The order of influences which govern and direct the social element of a mining camp in its infancy are exactly the reverse of those which govern and direct the social element of an Eastern village. The clergyman, the church, and the various little associations growing out of it, which make the society of our New England villages so delightful, and, at the same time, so disciplinary and instructive, are superseded in a mining community by the gambling saloon, cheap whiskey, frail women, and all the evils necessarily flowing from such polluted combinations. In the one case, religion and morality stand in the foreground, protected by the spirit of wise and inflexible laws; in the other, the rifle, the pistol, and the bowie-knife are flourished by reckless men, whose noblest inspirations are excited by liquor and debauchery. While all that is good and true and pure in society is brought into unceasing

action in the one case, all that is vile and false and polluted reigns supreme in the other. We look to the one condition of society for all great and good examples of humanity, and to the other for such as are of an opposite character.

If we are to credit the early history of New England, Miles Standish was a central character of Puritanic chivalry and fidelity. The people had faith in his Christian character, and entire confidence in his strong arm and fertility of expedients in the hour of danger. Some such sentiment, qualified by the wide difference in the moral character of the two men, attached the mining community of Florence to Pinkham. He was a bold, outspoken, truthful, self-reliant man, without a particle of braggadocio or bluster, careful always to say what he meant, and to do what he said. Fear was a stranger to him, and desperate chances never found him without desperate means.

Pinkham was a native of Maine, and physically a fine type of the stalwart New Englander. In stature he was more than six feet, and in weight upwards of two hundred pounds. To the agility of a mountain cat he added the quick, sharp eye of an Indian and the strength of a giant. Trained by years of frontier exposure, he

was skilled in the ready use of all defensive weapons. When aroused, the habitual frown upon his brow gathered into a fierce scowl, and the steely gray eyes fairly blazed in their sockets. At such times he was dangerous, because it was his custom to settle all disputes with a word and a blow, and the blow almost always came first. The intensity of his nature could not brook altercation.

Pinkham had been an adventurer ever since the discovery of gold in California. He was among the first of that great army of fortune-seekers which braved the perils of an overland trip to that distant El Dorado in 1849. If, before he left his New England home, no blight had fallen upon his moral nature, it is certain that soon after his arrival in the land of gold his character took the form which it ever afterwards wore, of a gambler and desperado. In this there was nothing strange, as he was but one victim in a catastrophe that wrecked the characters of thousands. The estimate is small, which places at one-half the number of the early Pacific gold-seekers, those who fell victims to the moral ruin of life in the mining camp. It was the fruitful nursery of all those desperate men, who, after years of bloody experience, expiated

their crimes upon the impromptu scaffolds of the Vigilantes, or in some of the violent brawls which their own recklessness had excited. Pinkham's pursuits in California were those of the professional gambler. At one time he kept a common dance-house in Marysville. It is fair, in the absence of facts, to presume that his life in the Golden State was a preparatory foreground for the one which followed in the mountains of Washington Territory. He was among the first, in 1862, who were lured to that Territory by the reports of extensive gold discoveries. Among the desperate, reckless, and motley crowd that assembled at Florence immediately after the discovery of the mines, was Pinkham, with his faro boards and monte cards, "giving the boys a chance for a tussle with the tiger and the leopard." It was not long until he became a central figure in the camp. The wild, undisciplined, pleasure-seeking population, attracted by the outspoken boldness and self-assertion of the man, quietly submitted to the influence which such characteristics always command. And no man better understood his power over his followers, or exercised it more warily, than Pinkham. The reputation which he enjoyed, of being a bold, chivalric, fearless man, ready for any emergency,

however desperate, gained for him the favor of every reckless adventurer who shared in his general views of the race.

Unlike most of the gamblers and roughs, who for the most part sympathized with the Confederates, Pinkham was an intense Union man. He never lost an opportunity to proclaim his attachment for the Union cause, and denounced as traitors all who opposed it. No fear of personal injury restrained him in the utterance of his patriotic sentiments, and as he always avowed a readiness to fight for them, his opponents were careful to afford him no opportunity. At every election in Idaho City after the organization of the Territory, he was found at the polls surrounded by a set of plucky fellows armed to the teeth, ready at his command for any violent collisions with secessionists that the occasion might inspire. His tall form, rendered more conspicuous by the loud and inspiring voice with which, to the cry of "negro worshippers," "abolitionists," and "Lincoln hirelings," he shouted back "secessionists," "copperheads," "rebels," and "traitors," was always the centre of a circle of men who would oppose force to force and return shot for shot.

On his return to Idaho City from a business visit to the States, a few days before the anniver-

sary of our national independence of the year in which he was killed, he was so indignant that no preparations had been made for a celebration, that when the day arrived he procured a National flag, hired a drummer and fifer, and followed them, waving the banner, through the streets of the town, greatly to the disgust of the secessionists. The South had just been conquered, and the demonstration wore the appearance of exultation, but no one aggrieved by it had the hardihood to interrupt its progress. "Old Pink," as he was familiarly called, was much too dangerous a character to meddle with.

With all his rough and desperate characteristics, Pinkham had no sympathy for the robbers and murderers and thieves which swarmed around him; and when Idaho was organized the governor of the Territory appointed him sheriff of Boise County. Soon afterwards he received the appointment of United States marshal, an office which made him and his friends in some measure the representatives of law and order. By promptly discharging the duties of these offices, he was held in great fear by the criminal population of the Territory, and won the respect of the best citizens for his efficiency and fidelity.

Patterson was a native of Tennessee, from

whence, in boyhood, he went with his parents to Texas, and grew to manhood among the desperate and bloody men of that border State. His character, tastes, and pursuits were formed by early association with them. He was a gambler by profession, but of a nature too impulsive to depend upon it as a means of livelihood. When he came to California, he turned his attention to mining, alternating that pursuit with gambling, as the inclination seized him. Like Pinkham, he was a man of striking presence, — in stature six feet, and of weight to correspond, with a fair complexion, light hair streaked with gray, sandy whiskers, and, when unaffected by liquor or passion, a sad, reflective countenance, lit up by calm but expressive blue eyes. His habitual manner was that of quiet, gentlemanly repose; — and to one unacquainted with his characteristics, he would never have been suspected of a fondness for any kind of excitement. In conversation he was uniformly affable when sober, and bore the reputation of being a very genial and mirth-loving companion when engaged with others in any exploring or dangerous enterprise. He was brave to a fault, and perfectly familiar with all the exposures and extremes of border life, — as ready to repair the lock of a gun or pistol as to use those weapons in

attack or defence. His kindness and thoughtfulness for the comfort of any of his party in the event of sickness, and the resources with which he overcame obstacles in the numerous expeditions of one kind and another in which he participated, made him a great favorite with all who knew him, and gave him a commanding power over the society in which he moved. He was naturally a leader of those with whom he associated. Had these been his only characteristics, Patterson would have been one of the most useful men in the mining regions, — but whiskey always transformed him into a demon. Patterson was not a steady drinker, but gave himself up to occasional seasons of indulgence. He was one of that large class of drinkers who cannot indulge their appetites at all without going through all the stages of excitement, to complete exhaustion. From the moment he entered upon one of these excesses to its close, he was dangerous. The whole man was changed. His calm, blue eye looked like a heated furnace and was suggestive of a thirst for blood. His quiet and gentlemanly manner disappeared. His breath was labored, and his nostrils dilated like those of an enraged buffalo. He remembered, on these occasions, every person who had ever offended him, and sought the one nearest to

him to engage him in quarrel. His whole bearing was aggressive and belligerent, and his best friends always avoided him until he became sober.

His unfortunate propensity for liquor had involved him in several serious affrays before he came to the Idaho mines. On one occasion, in Southern Oregon, a man who had suffered injury at his hands while on a drunken spree, shot him in the side by stealth. Patterson, with the quickness of lightning, drew his revolver, fired upon and wounded his assailant. Both fell, and Patterson, believing the wound he had received would prove fatal, fired all the remaining charges in his pistol at his antagonist, and then called for his friends to take off his boots as quickly as possible before he died.

The original expression "he will die with his boots on some day," uttered many years ago as the prediction of some comical miner that a murderer would be hanged or come to his death by violence, has grown into a fatalistic belief among the reckless and bloodthirsty ruffians of the Pacific coast. Patterson, who shared in this faith, intended, by having his boots taken off, to signify to those around him that he had never been guilty of murder. When we consider that of the great

number of those who in the early history of the mining regions were guilty of murder, nineteen at least of every twenty have expiated their crimes upon the scaffold or in bloody affrays, the faith in this frontier axiom seems not to be greatly misplaced: but why it should be any more potent as a human prediction than as the stern edict of the Almighty denounced against the murderer four thousand years ago, I leave for the solution of those modern thinkers who build their belief outside the lids of the Bible.

Another bloody rencontre in which Patterson was engaged was with one Captain Staples in Portland, Oregon. Staples, an ardent Unionist, boisterously patriotic from liquor, insisted that all around him should join in a toast to Lincoln and the Union arms. Patterson refused, and an unpleasant altercation followed, but the parties separated without collision. Later in the evening they met, and the difficulty was renewed, and in the fight Staples was killed. Patterson was tried and acquitted; and became, in consequence of the quarrel and trial, a great favorite and champion among the secessionists of Portland.

Some time after this, in a drunken frenzy he scalped a disreputable female acquaintance. His own version of this affair was as follows: "I was

trying," said he, "to cut off a lock of her hair with my bowie-knife, but she wouldn't keep her head still, and I made a mistake, and got part of her scalp with the hair." For this act he was arrested and recognized to await the action of the grand jury; but before the term of court he left the State, and his bondsmen were compelled to pay the forfeiture.

Patterson came to Idaho with the first discovery of gold in that section. His fellow-gamblers, who never failed to take advantage of his unskilful playing, with one hand, were always ready to contribute to his necessities with the other. If he wanted money to stock a faro bank they furnished it. If a saloon keeper needed a man who united popularity and strength to arrest the encroachments of the roughs, he was ever ready to share a liberal portion of his profits with Patterson for such services. The difference between Pinkham and Patterson was that, while the friends of the former looked to him for aid in their embarrassments, those of the latter afforded him the means of existence.

About a year before the occurrence of the bloody affray between these men, Patterson and some of his friends, during a period of drunken excitement, took unlawful possession of a brew-

ery in Idaho City, and engaged in the manufacture of beer. Pinkham was the only person in the city brave enough to undertake their arrest. When he entered the building for the purpose, he informed Patterson of his object and was met with violent resistance. In the struggle Pinkham was successful, and Patterson was arrested and taken away. The citizens, knowing the character of Patterson, and expecting nothing less than a shooting affray as the consequence of the arrest, were surprised at his submission. It was soon understood, however, that the bad blood provoked by the incident had severed all friendly relations between the champions, and that Patterson would avail himself of the first opportunity to avenge himself. Months passed away without any collision. The subject, if not forgotten, was lost sight of as other occurrences more or less exciting transpired.

On the day he was killed, Pinkham, with an acquaintance, rode out to the Warm Springs, a favorite bathing resort two miles distant from Idaho City. Meeting there with several friends, he drank more freely than usual and became quite hilarious.

Patterson returned early the same day from

Rocky Bar, fifty miles distant. Half-crazed from the effects of protracted indulgence in drinking and a severe personal encounter, his friends, to aid his return to sobriety, took him to the springs for a bath. Among others who accompanied him was one Terry, a vicious, unprincipled fellow, who, in a conflict with Patterson a year before, begged abjectly for his life when he found himself slightly wounded, and ever after, spaniel-like, had licked the hand that smote him. When they arrived, Pinkham and his friends were singing the popular refrain of "John Brown," and had just completed the line —

"We'll hang Jeff Davis on a sour apple tree,"

as Patterson and his party stepped upon the porch. Jefferson Davis was at that time in custody. With the curiosity which exercised the Unionists one of the singers said to Pinkham: —

"Pink, do you think they will hang Jeff Davis?"

"Yes," replied Pinkham, "in less than six weeks."

Hearing a step on the threshold, he turned, and his gaze met the heated eyes of Patterson. Neither spoke, or, except by vengeful looks, gave

any token of recognition. Patterson advanced to the bar. Terry crowded behind him, and slipped a derringer into his pocket. With an oath and opprobrious epithet, Patterson said, —

"Don't mind him. He is not worth the notice of a gentleman."

Pinkham, looking steadily at Patterson, with his habitual frown deepened, passed out upon the porch. Patterson went through the opposite door to the swimming pond, followed by Terry. After they were out, he handed the derringer back to Terry, and proceeded with his bath. Terry returned to the bar, and going around to the desk, while unobserved by Turner, the landlord, thrust a revolver under his coat, and went back to Patterson. Doubtless he told Patterson that Pinkham and his friends intended to attack him, for Patterson was observed on the moment to be greatly excited. Pinkham's friend, who knew both Patterson and Terry, told Pinkham that mischief was brewing, and suggested their immediate return to town.

"No," replied Pinkham, "when he insulted me in the bar-room, I was unarmed, but now I am ready for him."

"But it is better," suggested his friend, "to avoid a collision. No one doubts your courage."

"I will not be run off by the rebel hound," said Pinkham. "If I were to leave, it would be reported that I had 'weakened' and fled from Patterson, and you know that I would prefer death in its worst form to that."

Patterson hurried out of the bath, dressed himself as quickly as possible, and with the revolver strapped to his side, came into the bar-room. Calling for a drink, in a loud tone and with much expletive and appellative emphasis, his blood-drinking eyes glaring in all directions, he demanded to know where Pinkham had gone. Turner, thinking to pacify him, replied in a mild tone, —

"Away, I believe."

Pinkham at this moment was standing by a bannister on the porch, and engaged in conversation with a friend by the name of Dunn. He was unapprised of Patterson's return to the saloon, and, from the tenor of his conversation, believed he would be warned of his approach. For the impression that each entertained of the other's intention to fire upon him, and that both were awaiting the opportunity to do so, these men were indebted to the mischievous interference of those friends whose wishes were parent to the thought.

"I will not be run off by Patterson," said Pinkham, "nor do I wish that through any undue advantage he should assassinate me. All I ask is fair play. My pistol has only five loads in it."

"Stand your ground, Pink," replied Dunn. "I have a loaded five-shooter, and will stand by you while there is a button on my coat."

These words were scarcely uttered, when Patterson stepped from the saloon upon the porch. Turning to the right, he stood face to face with Pinkham. The fearful glare of his bloody eyes was met by the deepening scowl of his antagonist. Hurling at him a degrading epithet, he exclaimed, —

"Draw, will you?"

"Yes," replied Pinkham with an oath, "I will," and drawing his revolver, poised it in his left hand to facilitate the speed of cocking it.

Patterson, with the rapidity of lightning, drew his, cocking it in the act, and firing as he raised it. The bullet lodged under Pinkham's shoulder-blade. Pinkham received a severe nervous shock from the wound, and delivered his shot too soon, the bullet passing over the head of Patterson, into the roof. At Patterson's second fire the cap failed to explode, but before Pinkham,

who was disabled by his wound, could cock his pistol for another shot, Patterson fired a third time, striking Pinkham near the heart. He reeled down the steps of the porch, and fell forward upon his face, trying with his expiring strength to cock his revolver. At the first fire of Patterson, Dunn forgot his promise to stand by Pinkham. Jumping over the bannister, he sought refuge beneath the porch. Stealing from thence when the firing ceased, he ran across the street, where, protected by the ample trunk of a large pine, he took furtive observation of the catastrophe. Pinkham's other friend came from the rear of the house in time to assist Turner in removing his body.

Patterson's friends, some seven or eight in number, well pleased with the result, but fearing for his personal safety, mounted him on a good horse, armed him with revolvers, and started him for a hurried ride to Boise City. Half an hour served to carry intelligence of the encounter to Idaho City. The excitement was intense. Pinkham's friends were clamorous for the arrest and speedy execution of Patterson; those of the latter avoided a collision by keeping their own counsel, and expressing no public opinion in justification of the conduct of their

champion. Terry and James, the instigators of the contest, secreted themselves, and left town by stealth at the first opportunity. Indeed, many of Patterson's friends believed that Terry intended that the affray should terminate differently. The pistol which he furnished Patterson had been lost, and buried in the snow the entire winter before the encounter, and it was supposed by the owner, who was afraid to fire it lest it should explode, that the loads were rusted. Terry knew of this. He stood in personal fear of Patterson, and bore an old grudge against him. Here was his opportunity. At the second attempt of Patterson to fire, the pistol failed, and the wonder is that it went off at all.

In less than an hour after the tragedy, Robbins, an old friend and former deputy of Pinkham, armed with a double-barrelled shot-gun and revolvers, mounted his horse, and left town alone, in swift pursuit of Patterson. He was noted for bravery, and had been the hero of several bloody encounters. At a little wayside inn, seventeen miles from the city, he overtook the fugitive, who had stopped for supper. Patterson came to the door as he rode up.

"I have come to arrest you, Ferd," said he, at the same time raising his gun so that it covered Patterson.

"All right, Robbins, if that's your object," replied Patterson, as he handed Robbins his revolver. In a few moments they started on their return. Before they arrived at town, several of the sheriff's deputies met them, and claimed the custody of Patterson. Robbins surrendered him, and he was taken to the county jail.

After the account given of the fight by Patterson had been circulated, the community became divided in sentiment, the Democrats generally espousing the cause of the prisoner, the Republicans declaring him to be a murderer. There were some exceptions. Judge R——, a life-long Democrat, and a Tennesseean by birth, was very severe in his denunciation of Patterson. He distinguished him as the most marked example of total depravity he had ever known, and related the following incident in confirmation of this opinion: —

Several years before this time, Patterson joined in an expedition in Northern California, to pursue a band of Indians, who had been stealing horses, and committing other depredations upon the property of the settlers. The pursuers captured a bright Indian lad of sixteen. After tying him to a tree, they consulted as to what disposition

should be made of him. They were unanimous in the opinion that he should not be freed, but were concerned to know how to take care of him. Some time having elapsed without arriving at any conclusion, Patterson suddenly sprung to his feet, and seizing his rifle, said with an oath that he would take care of him, and shot the poor boy through the heart. "That incident," said the judge, "determined for me the brutal character of the wretch. His whole life since has been of a piece with it. For years he has been a 'bummer' among men of his class. He has lived off his friends. He has had no higher aims than those of an abandoned, dissolute gambler. Pinkham, though a gambler, had other and better tendencies. His schemes for the future looked to an abandonment of his past career, and he was in no sense a 'bummer.'"

The justice of this criticism was unappreciated by Patterson's friends. He was provided with comfortable quarters in the jailor's room, and accorded the freedom of the prison yard. His friends supplied him with whiskey and visited him daily to aid in drinking it. No prisoner of state could have been treated with greater consideration. The gamblers and soiled doves gave him constant assurance of sympathy. Even the

poor wretch he had scalped at Portland wrote to ascertain if she could do anything for "poor Ferd."

Pinkham's friends, enraged at the course pursued by the officers of justice, began to talk of taking Patterson's case into their own hands. The example of the Montana Vigilantes excited their emulation. When they finally effected an organization, several of Patterson's friends gained admission to it by professing friendship for its object. They imparted its designs and progress to others. Patterson was informed of every movement, and counselled his adherents what measures to oppose to the conspiracy against his life. Meantime the Vigilantes appointed a meeting for the purpose of maturing their plans, to be held at a late hour of the evening, in a ravine across Moore's creek, a short distance from the city. Patterson having been apprised of it, was anxious to obtain personal knowledge of its designs. So when the hour arrived, representing in his own person one of the deputy sheriffs with the consent of the sheriff, he placed himself at the head of an armed band of six men as desperate as himself, and stole unperceived from the jail-yard to a point within three hundred yards of the rendezvous. Here they separated. Each with a

cocked revolver approached at different points, as near the assemblage as safety would permit. Three hundred or more were already on the ground, and others constantly arriving. It was a large gathering for the occasion, — and the occasion was not one to inspire with pleasurable emotions the mind or heart of the wretch who was risking his life to gratify his curiosity. Nevertheless, he crept forward till within seventy yards of the chairman's stand.

The place of meeting was partially obscured by several clumps of mountain pines, which grew along the sides of the ravine, and enclosed it in their sombre shade. It was bright starlight. When the gathering was complete and had settled into that grim composure which seemed to await an opportunity for a hundred voices to be raised, the chairman called upon a Methodist clergyman present to open their proceedings with prayer. This request, at such a time, must appear strange to the minds of many of my readers. And yet, why should it? It bore testimony to some sincerity and some solemnity in the hearts of the people, even though they had assembled for an unlawful, perhaps some of them for a revengeful, purpose. They felt, doubtless, that the law did not and would not

protect them, and if they had known that the person whose doom they were there to decide, at that very moment stood near, armed, a secret observer of their proceedings, with friends within the call of his voice to aid him or obey his orders, they might very properly have concluded that the law exposed them to outrage and murder. Prayer had no mockery in it in such an exigency. Patterson afterwards jocosely remarked that it was the first prayer he had listened to for twenty years. Its various petitions, certainly, could not have fallen pleasantly upon his ears.

Patterson returned unobserved to the jail at a late hour, fully possessed of the designs of the committee. A system of espial was kept up by his friends, by means of which the sheriff and his deputies were enabled to devise a successful counter-plot. At eleven o'clock in the morning of a bright Sabbath, a few men were seen congregating upon the eastern side of Moore's creek, below the town, for the supposed purpose of carrying out the decision of the previous evening, which was the execution of Patterson. Patterson and thirty of his friends, armed to the teeth, were in the jail-yard looking through loop-holes and knot-holes, anxiously watching them.

When their numbers had reached a hundred, a signal was given to the sheriff. He quickly summoned a *posse* of one hundred and fifty men, who had received intimation that their services would be needed. Fully armed, they marched slowly to a point on the west side of Moore's creek, where they confronted the Vigilantes. Nothing daunted at this unexpected demonstration, the latter quietly awaited the arrival of several hundred more, who had promised to join them. Hours passed, but they came not. Not another man was bold enough to join them. Robbins, who, after much persuasion, had consented to act as their leader, was greatly disgusted, and for three hours declined all propositions to disband. Every hill and housetop was crowded with spectators, citizens of Idaho and Buena Vista Bar, anticipating a collision. The newly elected delegate to Congress was on the ground, making eager exertions to precipitate a contest.

"Why don't you fire upon them?" said he, with a vulgar oath to the sheriff. "You have ordered them to disperse, and still permit them to defy you."

The sheriff, though a determined, was a kind-hearted man, and wished to avoid bloodshed. He

knew if his men fired the fire would be returned, and a bloody battle would follow. He was also aware that seven hundred or more had enrolled their names in the ranks of the Vigilantes; courageous men and good citizens, who would probably rally to the assistance of their comrades in case of an attack. The day wore on with nothing more serious to interrupt its harmony than the noisy exchange of profane epithets and vulgar threats between the two bands, until it was finally agreed that persons should be selected from both factions to work up the terms of a peace. The result was that the Vigilantes disbanded, upon the sheriff's pledge that none of them should be arrested, and Patterson was conveyed to prison to await the decision of a trial at law. After an unsuccessful effort of his attorney to have him admitted to bail, the sheriff remanded him to custody.

The counsel on both sides prepared for trial with considerable energy. The evidence was all reduced to writing. The character of each juryman, the place of his nativity, and his political predilections were ascertained and reported to the defendant's counsel. The judge and sheriff were required, by the Idaho law, to prepare the list of talesmen when the regular panel of jurors

was exhausted. In the performance of this duty in Patterson's case, the judge selected Republicans, and the sheriff Democrats. When the list was completed, and the *venire* issued, a copy of it was furnished to Patterson's friends, who caused to be summoned as talesmen such persons named in it as were suspected of enmity to the accused, in order that they might be rejected as jurors. The preliminary challenges allowed by law to the defendant were double those allowed to the prosecution. With all these advantages, the defendant's counsel could hardly fail in selecting a jury favorable to their client; and after the jury was sworn, such was its general composition, that both the friends and enemies of the prisoner predicted an acquittal. Nor were they disappointed. When his freedom was announced from the bench, his friends flocked around him to tender their congratulations. But Patterson was not deceived. He felt that he was surrounded by enemies. Sullen eyes were fixed upon him as he walked the streets. Little gatherings of the friends of Pinkham stood on every corner in anxious consultation. He very soon concluded that his only safety was in departure. At first he thought of returning to Texas, but the allurements around him

were too strong: besides, he owed considerable sums of money to the friends who had aided him in making his defence. He had, moreover, many attached friends, who, by promises of assistance, sought to dissuade him from leaving the country. Finally, two weeks after his trial, he left Idaho City for Walla Walla.

One day the following spring, Patterson entered a barber's shop for the purpose of getting shaved. Removing his coat, he seated himself in the barber's chair. A man by the name of Donahue arose from a chair opposite, and, advancing toward him, said: —

"Ferd, you and I can't both live in this community. You have threatened me." As Patterson sprung to his feet, Donahue shot him. Staggering to the street, he started towards the saloon where he had left his pistol, and was followed by Donahue, who continued to fire at him, and he fell dead across the threshold of the saloon, thus verifying in his own case the fatalistic belief of his class, "He died with his boots on."

The only incident of Patterson's trial worthy of note was the following: One of the attorneys who had been employed for a purpose disconnected with the management of the trial, insisted

upon making an argument to the jury. This annoyed his colleagues, and disgusted Patterson's friends, but professional etiquette upon the part of the lawyers, and a certain indefinable delicacy from which even the worst of men are not wholly estranged, prevented all interference, and the advocate launched out into a speech of great length, filled with indiscreet assertions, slipshod arguments, and ridiculous appeals, at each of which, as they came up, one of the shrewder counsel for the defendant, seated beside his client, filled almost to bursting with indignation, would whisper in his ear the ominous words: —

"There goes another nail into your coffin, Ferd."

Wincing under these repeated admonitions, Patterson's eyes assumed their blood-drinking expression, and at last the mental strain becoming too great for longer composure, he exclaimed with a profane curse: —

"I wish it had been he, in the place of Old Pinkham."

Upon the trial of Donahue the jury failed to agree. He was remanded to prison, from which he afterwards escaped, fled to California, where he was rearrested, and released upon a

writ of habeas corpus, by the strange decision that the provision of the Constitution of the United States requiring one State to deliver up a fugitive from justice to another claiming him, did not apply to Territories.

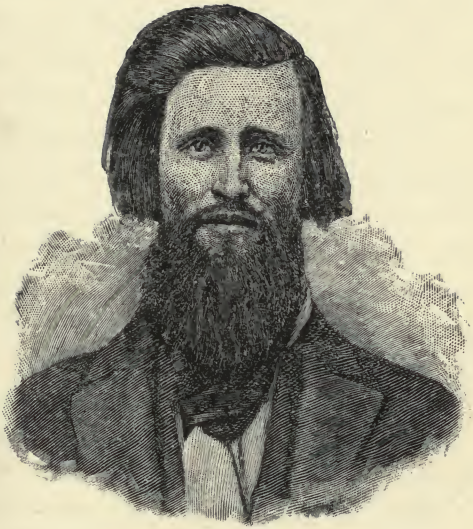
To certain of my readers, some explanation for detailing at such length the life of a ruffian and murderer may be necessary. Not so, however, to those familiar with mountain history. They would understand that both Patterson and Pinkham were noted and important members of frontier society, representative men, so to speak, of the classes to which they belonged. Their followers regarded them with a hero-worship which magnified their faults into virtues, and their acts into deeds of more than chivalric daring. Their pursuits, low, criminal, and degrading as they are esteemed in old settled communities, were among the leading occupations of life among the miners. Said one who had been for many years a resident of the Pacific slope, after spending a few weeks in the Atlantic States: "I can't stand this society. It is too strict. I must return to the land where every gambler is called a gentleman."

CHAPTER XVI.

EARLY DISCOVERIES OF GOLD.

First Discovery of Gold in Montana — The Stuart Brothers — Narrative of Granville Stuart — First Arrival of Emigrants from the Missouri River — Shooting of Arnett — Arrest of his Companions — Trial and Execution of Spillman —Exodus of Miners from Colorado — Difficulties — Crossing of Smith Fork of Bear River — Crossing of Snake River — Arrival at Lemhi — Discouragements — Consultation — The Party divides — Arrival of Woodmansee's Train with Provisions — Great Joy in the Camp.

Gold was first discovered in what is now known as Montana by Francois Findlay, better known as Be-net-see, a French half-breed, in 1852. He had been one of the early miners in California, having gone there from his home in the Red river country soon after Marshall's discovery. At this time, however, he was engaged in trapping for furs and trading with the Indians. While travelling along the border of Gold creek he was induced by certain indications to search



JAMES STUART,
Who set the first sluices in Montana.

for gold, which he found in the gravelly bed of the stream.

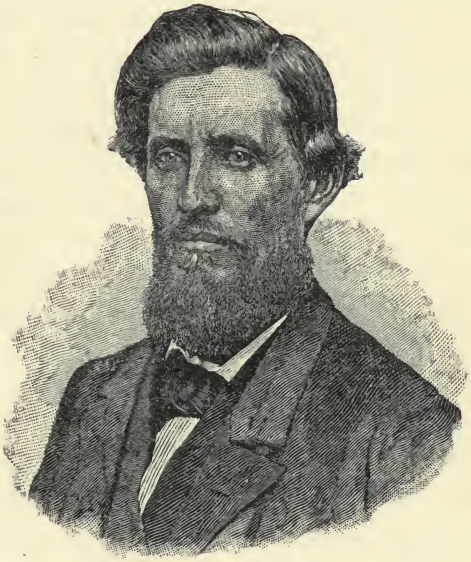
Intelligence of this discovery was given to a party of miners who were on their return from California to the States in 1857, and they immediately resolved to visit the creek and spend a winter there in prospecting. James and Granville Stuart and Resin Anderson, since known as prominent citizens of Montana, were of this party, and I insert here as an interesting bit of early history the narrative which Granville Stuart has since furnished of the discovery then made by them: —

"We," he writes, "accordingly wintered on the Big Hole river just above what is known as the Backbone, in company with Robert Dempsey, Jake Meeks, Robert Hereford, Thomas Adams, John W. Powell, John M. Jacobs, and a few others. In the spring of 1858 we went over into the Hell Gate valley, and prospected a little on Benetsee's or Gold creek. We got gold everywhere, in some instances as high as ten cents to the pan, but, having nothing to eat save what our rifles furnished us, and no tools to work with (Salt Lake City, nearly six hundred miles distant, being the nearest point at which they could be obtained), and as the accursed

Blackfeet Indians were continually stealing our horses, we soon quit prospecting in disgust without having found anything very rich, or done anything to enable us to form a reliable estimate of the richness of the mines.

"We then went out on the road near Fort Bridger, Utah Territory, where we remained until the fall of 1860. In the summer of that year a solitary individual named Henry Thomas, better known to the pioneers of Montana, however, as 'Gold Tom' or 'Tom Gold Digger,' who had been sluicing on the Pend d'Oreille river, came up to Gold creek and commenced prospecting. He finally hewed out two or three small sluice-boxes and commenced work on the creek up near the mountains. He made from one to two dollars a day in rather rough, coarse gold, some of the pieces weighing as high as two dollars.

"After spending a few weeks there, he concluded that he could find better diggings, and about the time that we returned to Deer Lodge (in 1860), he quit sluicing and went to prospecting all over the country. His favorite camping ground was about the Hot Springs, near where Helena now stands. He always maintained that that was a good mining region, saying that he had got better prospects there than on



GRANVILLE STUART,
Who set the first sluices in Montana.

Gold creek. He told me after 'Last Chance,' 'Grizzly,' 'Oro Fino,' and the other rich gulches of that vicinity had been struck, that he had prospected all about there, but it was not his luck to strike any of those big things.

"About the 29th of April, 1862, P. W. McAdow, who, in company with A. S. Blake and Dr. Atkinson (both citizens of Montana), had been prospecting with but limited success in a small ravine which empties into Pioneer creek, moved up to Gold creek and commenced prospecting about there. About the 10th of May they found diggings in what we afterwards called Pioneer creek. They got as high as twenty cents to the pan, and immediately began to prepare for extensive operations. At this time 'Tom Gold Digger' was prospecting on Cottonwood creek, a short distance above where the flourishing burgh of Deer Lodge City now stands, but finding nothing satisfactory, he soon moved down and opened a claim above those of McAdow & Co. In the meantime we had set twelve joints of 12 x 14 sluices, this being the first string of regular sluices ever set in the Rocky Mountains north of Colorado.

"On the 25th of June, 1862, news reached us that four steamboats had arrived at Fort Benton

loaded with emigrants, provisions, and mining tools, and on the 29th Samuel T. Hauser, Frank Louthen, Jake Monthe, and a man named Ault, who were the advance guard of the pilgrims to report upon the country from personal observation, came into our camp. After prospecting on Gold creek for a few days, Hauser, Louthen, and Ault started for the Salmon river mines by way of the Bitter Root valley. Jake Monthe, that harum-scarum Dutchman who wore the hat that General Lyon had on when he was killed in the battle of Wilson's creek, continued prospecting along Gold creek.

"Walter B. Dance and Colonel Hunkins arrived on the 10th of July, and on the 14th we had the first election ever held in the country. It was marked by great excitement, but nobody was hurt — except by whiskey.

"On the 15th, Jack Mendenhall, with several companions, arrived at Gold creek from Salt Lake City. They set out for the Salmon river mines, but having reached Lemhi, the site of a Mormon fort and the most northern settlement of the 'Saints,' they could proceed no farther in the direction of Florence, owing to the impassable condition of the roads, so they *cached* their wagons, packed their goods on the best condi-

tioned of their oxen, and turned off for Gold creek. They lost their way and wandered about until nearly starved, when they fortunately found an Indian guide, who piloted them through to the diggings. On the 25th Hauser and his party, having failed to reach Florence, also returned nearly starved to death."

The leading men among this little band of pioneers were admirably qualified to grapple with the varied difficulties and dangers incident to their exposed situation. The brothers Stuart, Samuel T. Hauser, and Walter B. Dance were among the most enterprising and intelligent citizens of Montana, and to the direction which they, by their prudence and counsel, gave to public sentiment, when, with twenty or thirty others, they organized the first mining camp in what is now Montana, was the Territory afterwards indebted for the predominance of those principles which saved the people from the bloody rule of assassins, robbers, and wholesale murderers. They were men bred in the hard school of labor. They brought their business habits and maxims with them, and put them rigidly in practice. Having heard of the lawlessness which characterized the Salmon river camps, and of the expulsions which had taken place

there, they were on the alert for every suspicious arrival from that direction.

On the 25th of August William Arnett, C. W. Spillman, and B. F. Jernigan arrived at Gold creek from Elk City. They opened the first gambling establishment in Montana and satisfied the good people of Gold creek before the close of their first day's residence that they were the advance guard of the outcasts of Salmon river. Victims flocked around them in encouraging numbers. The highway of villainy seemed to stretch out before them with flattering promise. Four days had elapsed since their arrival. The little society was fearfully demoralized, and whiskey and dice ruled the hour, when the Nemesis appeared. Two men, Fox and Bull, came in pursuit of the gamblers for horse-stealing. Stealing upon them while busy at play, the first notice the poor wretches had of their approach was to find themselves covered with double-barrelled guns which were instantly discharged. Arnett fell, riddled with bullets. Fox's gun missed fire. Jernigan threw up his hands, and he and Spillman were arrested without resistance. Arnett died with a death clutch of his cards in one hand and revolver in the other, and was so buried.

The next day Jernigan and Spillman were fairly tried by a jury of twenty-four miners. The former was acquitted, the latter sentenced to be hung, which sentence was executed in the afternoon of the following day. This was the first expression of Vigilante justice in that portion of the North-West which afterwards became Montana. Mr. Stuart says, "Spillman was either a man of a lion heart or a hardened villain, for he died absolutely fearless. After receiving his sentence, he wrote a letter to his father with a firm, bold hand that never trembled, and walked to his death as unto a bridal."

The news of the discovery of the Oro Fino and Florence mines was received at Denver in the winter of 1861–62, and caused a perfect fever of excitement. Colonel McLean, Washington Stapleton, Dr. Glick, Dr. Levitt, Major Brookie, H. P. A. Smith, Judge Clancy, Edward Bissell, Columbus Post, Mark Post, and others, all left early in the spring, taking the route by the overland road, from which they intended to diverge into the northern wilderness at some point near Fort Bridger. Another party, under the leadership of Captain Jack Russell, left soon after, going by the way of the Sweetwater trail, South Pass, and the Bridger cut-off.

My readers who have never seen the plains, rivers, cañons, rocks, and mountains of the portion of our country travelled by these companies, can form but a faint idea from any description given by them of the innumerable and formidable difficulties with which every mile of this weary march was encumbered. History has assigned a foremost place among its glorified deeds to the passage of the Alps by Napoleon, and to the long and discouraging march of the French army under the same great conqueror to Russia. If it be not invidious to compare small things with great, we may assuredly claim for these early pioneers greater conquests over nature on their journey through the north-western wilderness than were made by either of the great military expeditions of Napoleon. In addition to natural obstacles equally formidable and of continual occurrence for more than a thousand miles, their route lay through an unexplored region, beset by hostile Indians, bristling with mountain peaks, pierced with large streams, and unmarked with a single line of civilization. Their cattle and horses were obliged to subsist upon the scanty herbage which put forth in early spring. Swollen by the melting snows of the mountains, the streams, fordable in midsummer, could now only be

crossed by boats, and frequently the passage of a single creek consumed a week of time. Seeking for passes around and through the ranges, ascending them when no such conveniences could be found, passing through cañons, and clambering rocks, filled the path of empire through western America with discouragement and disaster.

Several of these companies were obliged to wait the subsidence of the waters at the crossing of Smith's fork of Bear river. While thus delayed, more than an hundred teams, comprising three or four trains, all bound for the new gold regions, arrived. Some of the companies were composed entirely of "pilgrims," a designation given by mountain people to new comers from the States. Michaud Le Clair, a French fur-trader and mountaineer of forty years' experience, had, in company with two others, built a toll bridge across the fork in anticipation of a large spring emigration; but a party arriving in advance of this present crowd, exasperated at the depth of the mud at the end of the bridge, burned it. Russell proposed to build another, but the pilgrims, having no faith in his skill, refused to assist. Russell completed the job on his own account, and charged the pilgrims one dollar each

for crossing, and then offered to release his interest in the bridge for twenty-five dollars. Le Clair, thinking that Russell would go on with his company, refused the offer. Russell, Brown, and Warner sent their train ahead, remaining at the bridge to receive tolls. Several trains passed during the two succeeding days, greatly to the annoyance of Le Clair and his comrades. They attempted to retaliate by cutting the lariats of the horses while tethered for the night; and when they found that the animals did not stray far from camp, they sent the savages down to frighten Russell and his men. But they were old mountaineers, and felt no alarm. On the third day a much larger number of wagons crossed than on both the preceding days. The Frenchmen, tired of expedients, and satisfied that money could be made by paying Russell the price he demanded for the bridge, sent for him, and, after considerable negotiation, gave him the twenty-five dollars and a silver watch. The bridge temporarily erected by Russell was used as a toll bridge the following year, but it required very careful usage to prevent it from falling to pieces. The proprietors, fearful of accident, finally posted up the following placard, as a warning to travellers that heavily laden

wagons would not be permitted to meet upon the bridge : —

NOTIS.

No Vehacle draWn by moaR than one anamile is alloud to croS this BRidg in oPposit direxions at the sam Time.

Le Clair also advised him against a prosecution of his journey to the Salmon river region, assuring him that from long familiarity with the country, he knew he could not complete it in safety. The season was too far advanced and the streams were higher than usual. He then told him as a secret that there was gold at Deer Lodge and on the Beaverhead. The Indians had often found it there, and if gold was his object, he could find no better country than either of these localities for prospecting.

"I have been," said he, "boy and man, forty years in this region, and there is no part of it that I have not often visited. You will find my advice correct."

Russell placed great confidence in what Le Clair said. Hastening on, he overtook his companions, and they proceeded to Snake river near Fort Hall, an old post of the North-western Fur Company. Here they fell in with McLean's

train, which, as we have seen, left Denver a few days before they did, and travelled by another route. One of this latter company, Columbus Post, was drowned while attempting to cross the river in a poorly constructed boat, made out of a wagon-box. Russell found an old ferry-boat near the fort, which the men repaired to answer the purpose of crossing their trains, and they proceeded on through the dreary desert of mountains and rock in the direction of the Salmon river. Superadded to the difficulties of travelling over a rough volcanic region, they were now, for successive days, until they left the valley of the Snake, attacked by the Bannack Indians, and their horses were nightly exposed to capture by them. After many days of adventurous travel, the whole party, with a great number of pilgrims, arrived in safety at Fort Lemhi. Here they found themselves hemmed in by the Salmon river range, a lofty escarpment of ridges and rocks presenting an insurmountable barrier to further progress with wagons. They had yet to go several hundred miles before reaching the gold regions. A large number, more than a thousand in all, were now congregated in this desolate basin. They at once set to work to manufacture pack-saddles and other gear nec-

essary to the completion of their journey. As time wore on, the prospect of being able to do so before cold weather set in became daily more discouraging. At length a meeting was called to consider the situation of affairs, and if possible, to devise and adopt measures of relief.

Russell repeated to the assemblage the information he had received from Le Clair, expressing his belief that it was true, and recommended as a choice of evils that they should turn aside, and go to Deer Lodge and Beaverhead, rather than attempt a journey down the Salmon to the Florence mines, through a country of which their best information was disheartening in the extreme. Several members of the Colorado companies spoke of having seen letters from James and Granville Stuart in which the discovery of promising gold placers in Deer Lodge was mentioned; but the pilgrims thought the information too indefinite, and concluded to risk the journey down the river. The Colorado men, most of whom were experienced miners, determined at once to retrace their way to Deer Lodge and Beaverhead, and risk the chance of making new discoveries, if the information given by the Stuarts and Le Clair should not prove true. At the crossing of the Beaverhead, Russell

found five cents in gold to the pan, and picked up pieces of quartz containing free gold.

In the meantime, John White and a small party of prospectors had discovered the gold placer in the cañon of Grasshopper creek which afterwards became Bannack. When the companies of McLean and Russell arrived there, their stock of provisions was nearly exhausted. They went to Deer Lodge, hoping to find a more promising field, and some of them visited the placers on Gold creek, Pioneer, and at Pike's Peak Gulch, none of which were equal in richness and extent to the one they had left behind them. They returned to Grasshopper. No provisions having arrived in the country, most of them decided to attempt a return to Salt Lake City. The chance of making a journey of four hundred miles to the nearest Mormon settlements was preferable to starvation in this desolate region. They could but die in the effort, and might succeed. After they had started on this Utopian journey, Russell mounted his horse, followed them, and persuaded them to return. They then set to work in good earnest and found gold in abundance; but, with the fortune of Midas, as their scanty supply of food lessened daily, they feared soon to share his fate also.

and have nothing but gold to eat. Just at this crisis, however, their Pactolus appeared in the shape of a large train of provisions belonging to Mr. Woodmansee, and all fear of starvation vanished. The step between the extremes of misery and happiness was, in this case, very short. The camp was hilarious with joy and mirth.

Upon the opening of spring, Russell left on his return to Colorado, where he arrived in safety after encountering dangers enough to fill a moderate volume. For two days, while passing through Marsh valley, he was pursued by Indians, barely escaping being shot and scalped. His courage was often put to the strongest tests. At Wood river, twenty miles from Fort Lemhi, the Bannack Indians offered him money in large amounts for fire-arms and ammunition. They stole a pistol from him. Accompanied by one Gibson, he went to their camp and recovered it. Some of them were dressed in the apparel of women whom they had murdered, and whose bodies they had concealed in the fissures of the lava-beds on Snake river. More than two hundred emigrants had been killed by these wretches the preceding summer.

Russell exhibited specimens of the gold taken

from the "Grasshopper diggings," to his friends in Colorado. The excitement it occasioned was intense, and when the spring of 1863 opened, large numbers left for the new and promising El Dorado.

In the fall of 1862 there stood, on the bank at the confluence of Rattlesnake creek and the Beaverhead river, a sign-post with a rough-hewn board nailed across the top, with the following intelligence daubed with wagon-tar thereon: —

Tu grass Hop Per digins
30 myle
☞kepe the Trale nex the bluffe

On the other side of the board was the following: —

Tu jonni grants
one Hunred & twenti myle.

The "grass Hop Per digins" are at the town of Bannack; and the city of Deer Lodge is built on "jonni grants" ranche.

CHAPTER XVII.

CAPTAIN FISK'S EXPEDITION.

NORTHERN OVERLAND EXPEDITION — JOURNEY FROM ST. PAUL TO FORT BENTON — ARRIVAL IN PRICKLY PEAR VALLEY — HIGH PRICE OF PROVISIONS — THREATENED DESTITUTION — TRIP OF THE WRITER TO PIKE'S PEAK GULCH — NIGHT CAMP — STORM — BLACKFEET INDIANS — CRITICAL SITUATION — PROVIDENTIAL ESCAPE — ARRIVAL AT PIKE'S PEAK GULCH —DISAPPOINTMENT — JOURNEY TO GRASSHOPPER DIGGINGS.

WHILE the little community at Bannack were snugly housed for the winter, anxiously awaiting the return of warm weather to favor a resumption of labor in the gulch, numerous companies were in progress of organization in the States, intending to avail themselves of the same seasonable change to start upon the long and adventurous journey to Salmon river. The fame of Bannack and Deer Lodge had not yet reached them. In the summer of 1862 an expedition under the direction of the Government was planned in Minnesota for the ostensible purpose

of opening a wagon road between St. Paul and Fort Benton, to connect at the latter point with the military road opened a few years before by Captain John Mullen from Fort Benton to Walla Walla. This route of nearly two thousand miles lay for most of the distance through a partially explored region, filled with numerous bands of the hostile Sioux and Blackfeet. Government had grudgingly appropriated the meagre sum of five thousand dollars in aid of the enterprise, which was not sufficient to pay a competent guard for the protection of the company. The quasi-governmental character of the expedition, however, with the inducement superadded that it would visit the Salmon river mines, soon caused a large number of emigrants to join it.

The Northern Overland Expedition, as it was called, left St. Paul on the 16th of June, 1862. It was confided to the leadership of Captain James L. Fisk, whose previous frontier experience and unquestioned personal courage admirably fitted him for the command of an expedition which owed so much of its final success, as well as its safety during a hazardous journey through a region occupied by hostile Indians, to the vigilance and discipline of its commanding officer. His first assistant was E. H. Burritt, and second

CAPTAIN JAMES L. FISK,
Commander of Northern Overland Expedition.

assistant, the writer; Samuel R. Bond, secretary, David Charlton, engineer, Dr. W. D. Dibb, surgeon, and Robert C. Knox, wagon master. About forty men were selected from the company, who agreed, for their subsistence, to serve as guards during the journey. One hundred and twenty-five emigrants accompanied the expedition to Prickly Pear valley. This band was thoroughly organized, and ready at all times for instant service while passing through Indian country. Fort Abercrombie, Devil's Lake, Fort Union, and Milk river were designated points of the route, and it was generally understood that the company should pursue as nearly as possible the trail of the exploring expedition under command of Governor Isaac I. Stevens in 1853.

All the streams not fordable on the entire route were bridged by the company and many formidable obstacles removed. The company arrived without accident, after a tedious but not uninteresting trip, in Prickly Pear valley on the 21st day of September. It was the largest single party that went to the Northern mines in 1862. About one-half of the number remained in the Prickly Pear valley, locating upon the creek where Montana City now stands. The

remainder accompanied Captain Fisk to Walla Walla. All who were officially connected with the expedition, except Mr. Knox and the writer, returned by way of the Pacific ocean and the Isthmus to Washington.

Gold had been found on Prickly Pear creek a short time before the arrival of our company. "Tom Gold Digger," or "Gold Tom," had pitched his lodge at the mouth of the cañon above our location and was "panning out" small quantities of gold. The placer was very difficult of development and the yield small. Winter was near at hand. Many of the party who had left home for Salmon river, where they had been assured profitable employment could be readily obtained, now found themselves five hundred miles from their destination with cattle too much exhausted to attempt the journey, in the midst of a wilderness, nearly destitute of provisions, and with no chance of obtaining any, nearer than Salt Lake City, four hundred miles away, from which they were separated by a region of mountainous country, rendered impassable by deep snows and beset for the entire distance by hostile Indians. Starvation seemingly stared them in the face. Disheartening as the prospect was, all felt that it would not do to give way to discour-

agement. A few traders had followed the tide of emigration from Colorado with a limited supply of the bare necessaries of life, risking the dangers of Indian attack by the way, to obtain large profits and prompt pay as a rightful reward for their temerity. Regarding their little stock as their only resource, the company set to work at once, each man for himself, to obtain means to buy with. Prices were enormous. The placer was still unpromising. Frost and snow had actually come. With a small pack supplied from the remains of their almost exhausted larders, the men started out, some on foot, and some bestride their worn-out animals, into the bleak mountain wilderness in pursuit of gold. With the certainty of death in its most horrid form if they fell into the clutches of a band of prowling Blackfeet, and the thought uppermost in their minds that they could scarcely escape freezing, surely the hope which sustained this little band of wanderers lacked none of those grand elements which sustained the early settlers of our country in their days of disaster and suffering. Men who cavil with Providence, and attribute the escape of a company of half-starved, destitute men from massacre, starvation, and freezing, under circumstances like these, to

luck or chance or accident, are either destitute of gratitude or have never been overtaken by calamity. Yet these men all survived to tell the tale of their bitter experience.

My recollection of those gloomy days, all the more vivid, perhaps, because I was among the indigent ones, was emphasized by a little incident I can never recall without a devout feeling of thankfulness. Intelligence was brought us that a company of miners was working the bottom of a creek in Pike's Peak Gulch, a distance of sixty miles from the Prickly Pear camp over the Rocky Mountain range. Cornelius Bray, Patrick Dougherty, and I started immediately on a horse-back trip to the new camp in search of employment for the winter. One pack-horse served to transport our blankets and provisions. Our intention was to cross the main range on the first day and camp at the head of Summit creek, where there was good grass and water. In following the Mullen road through the cañon, when about two miles from the ridge, Bray's horse gave out and resisted all our efforts to urge him farther. There was no alternative but to camp. The spot was unpromising enough. There was no feed for our horses, and our camp by the road-side could not escape the notice of any band of

Indians that might chance to be crossing the range. It was the custom in this Indian country for packers and others to seek some secluded spot half a mile or more from the trail for camping purposes; but here we were cooped up in a cañon not ten rods wide, and the only practicable pass over the range running directly through it. Of course we all mentally hoped that no Indians would appear.

I had, while at Fort Benton, held frequent conversations with Mr. Dawson, the factor at that post, who had spent many years in the country, and was perfectly familiar with the manners and tactics of the Indians. He had warned me against just such an exposure as that to which we were now liable, and when night came, knowing that the country was full of roving bands of Bloods and Piegans, I felt no little solicitude for a happy issue out of danger. Evening was just setting in, when snow began to fall in damp, heavy flakes, giving promise of a most uncomfortable night. Our only shelter was a clump of bushes on the summit of a knoll, where we spread our blankets, first carefully picketing the four horses with long lariats to a single pin, so that in case of difficulty they could all be controlled by one person. Dougherty proposed to

stand guard until midnight, when I was to relieve him and remain until we resumed our trip at early dawn. Bray and I crept into our blankets, they and the bushes being our only protection against a very heavy mountain snow-storm. Strange as it may seem to those unfamiliar with border life, we soon fell asleep and slept sound until I was aroused by Dougherty to take my turn at the watch. I crawled from under the blankets, which were covered to the depth of five inches with "the beautiful snow," and Dougherty fairly burrowed into the warm place I had left.

About three o'clock in the morning the horses became uneasy for want of food. Preparatory to an early departure I gathered in a large heap a number of small, fallen pines and soon had an immense fire. It lighted up the cañon with a lurid gloom and mantled the snow-covered trees with a ghastly radiance. The black smoke of the burning pitch rolled in clouds through the atmosphere, which seemed to be choked with the myriad snow-flakes. So dense was the storm I could scarcely discern the horses, which stood but a few rods distant. Wading through the snow to the spot where my companions slept, I roused them from their slumbers. I could liken them

to nothing but spectres as they burst through their snowy covering and stood half-revealed in the bushes by the light of the blazing pines. It was a scene for an artist. Despite the gloomy forebodings which had filled my mind, at this scene I burst into a fit of loud and irrepressible laughter.

It was but for a moment, for, as if in answer to it, the counterfeited neigh of a horse a few rods below and of another just above me, warned me that the danger I had feared was already upon us. It was the signal and reply of the Indians. Bray and Dougherty grasped their guns, while I rushed to the picket pin, and, seizing the four lariats, pulled in the horses. A moment afterwards, and from behind a thicket of willows just above our camp, there dashed down the cañon in full gallop forty or more of the dreaded Blackfeet. In the light of that dismal fire their appearance was horribly picturesque. Their faces hideous with war paint, their long ebon hair floating to the wind, their heads adorned with bald-eagle's feathers, and their knees and elbows daintily tricked out with strips of antelope skin and white feathery skunks' tails, they seemed like a troop of demons which had just sprung out of the earth, rather than beings of flesh and

blood. Each man held a gun in his right hand, guiding his horse with the left. Well-filled quivers and bows were fastened to their shoulders, and close behind the main troop, driven by five or six outriders, followed a herd of fifty or more horses they had just stolen from a company of miners on their way to the Bannack mines, and who had encamped for the night at Deer Lodge. These animals were driven hurriedly by our camp, down the cañon, the main troop, meantime, forming into line on the other side of them so as to present an unbroken front of horsemen after they had passed, drawn up for attack. This critical moment we improved by rapidly looping the lariats into the mouths of our horses and bringing our guns to an aim from behind them over their fore-shoulders. As we stood thus, not twenty yards asunder, confronting each other, the chief, evidently surprised that the onslaught lingered, rode hurriedly along the front of his men and with violent gesticulations and much vehement jargon urged them to an instant assault. They strongly expostulated, and by numerous antics and utterances, which I afterwards ascertained meant that their guns were wet and their caps useless, finally persuaded him to resort to the bows and arrows. The chief was

very angry, and from the violence of his gestures and threatening manner I expected to see several of the Indians knocked off their horses. When the Indians, in obedience to his command, hung their guns on the pommels of their saddles, and drew their bows, the attack seemed inevitable. Our guns were dry, and we knew that they were good for twenty-four shots and the revolvers in our belts for as many more.

Satisfied that an open attack would eventuate in death to some of their number, nearly one-half of the Indians left the ranks and passed from our sight down the cañon, but soon reappeared, emerging from the thicket on the opposite side of our camp. We wheeled our four horses into a hollow square, and, standing in the centre, presented our guns at each assaulting party. As our horses were the booty they most wished to obtain, they were now restrained lest they should kill them instead of us. A few moments of painful suspense — moments into which days of anxiety were crowded — supervened. A brief consultation followed, and the chief gave orders for them to withdraw. They all wheeled into rapid line, and with the military precision of a troop of cavalry dashed down the cañon and we saw them no more.

Thankful for an escape attributable to the snow which had unfitted their guns for use, and to the successful raid they had made upon our neighbors, we saddled our horses and hurried over the mountain range with all possible speed. While crossing, we found two horses which, jaded with travel, had been abandoned by the Indians. We took them with us, and on our arrival at Grasshopper some days after, restored one to Dr. Glick, its rightful owner.

"I have had seven horses stolen from me by these prowlers," said he, "but this is the first one that was ever returned."

The little gulch at Pike's Peak was fully occupied when we arrived, and after remaining a few days, we mounted our horses and made a tedious but unadventurous journey to Bannack, then, and for nearly a year afterwards, the most important gold placer east of the Rocky Mountains.

The fame of this locality had reached Salmon river late in the fall of 1862, and many of the people left the Florence mines for the east side. Among them came the first irruption of robbers, gamblers, and horse-thieves, and the settlement was filled with gambling houses and saloons, where bad men and worse women held constant vigil, and initiated that reign of infamy which nothing but the strong hand could extirpate.

CHAPTER XVIII.

BANNACK IN 1862.

PLUMMER'S SUPPOSED ATTEMPT AT REFORM — DREAD OF CLEVELAND — CLEVELAND SUSPECTED OF EVANS'S MURDER — HIS CONDUCT AT GOODRICH'S HOTEL — PLUMMER'S INTERFERENCE — SHOOTS CLEVELAND — GEORGE IVES AND CHARLEY REEVES APPEAR — HANK CRAWFORD AND HARRY PHLEGER TAKE CLEVELAND AWAY — CLEVELAND'S DEATH — PLUMMER'S INTERVIEW WITH CRAWFORD — QUARREL BETWEEN IVES AND CARRHART — RECONCILIATION — HOW EMIGRANTS SPENT THE WINTER — J. M. CASTNER — ATTACK OF MOORE AND REEVES UPON THE INDIANS — KILLING A CHIEF AND A PAPPOOSE — SHOOTING OF CAZETTE.

IT is charitable to believe that Henry Plummer came to Bannack intending to reform, and live an honest and useful life. His deportment justified that opinion. His criminal career was known only to two or three persons as criminal as himself. If he could have been relieved of the fear of exposure and of the necessity of associating with his old comrades in crime, it is not improbable that his better nature would have triumphed.

He possessed great executive ability — a power over men that was remarkable, a fine person, polished address, and prescient knowledge of his fellows — all of which were mellowed by the advantages of a good early education. With all the concerns of a mining camp experience had made him familiar, and for some weeks after his arrival in Bannack he was oftener applied to for counsel and advice than any other resident. Cool and dispassionate, he evinced on these occasions a power of analysis that seldom failed of conviction. He speedily became a general favorite. We can better imagine than describe the mixed nature of those feelings, which, fired with ambitious designs and virtuous purposes, beheld the way to their fulfilment darkened by a retrospect of unparalleled atrocity. So true it is that the worst men are the last to admit to themselves the magnitude of their offences, that even Plummer, stained with the guilt of repeated murders and seductions, a very monster of iniquity, believed that his restoration to the pursuits and honors of virtuous association could be established but for a possible exposure by some of his guilty partners. He knew their watchful eyes were upon him; that they were ready to follow him as leader or crush him as a traitor.

Of no one was he in greater dread than his sworn enemy, Cleveland. This man, who made no secret of his own guilty purposes, had frequently uttered threats against the life of Plummer, and never lost an opportunity publicly to denounce him. Their feud was irreconcilable. Cleveland had incurred suspicion as the murderer of a young man by the name of George Evans, and was regarded generally as a desperado of the vilest character. It was no credit to Plummer that he came in his company to Bannack. But their previous criminal connection was as yet unrevealed.

A few days after the disappearance of Evans, a number of citizens were seated and in general conversation around the fire in a saloon kept by Mr. Goodrich. Among the number were Plummer, Jeff Perkins, and Moore. Suddenly the door was violently opened and Cleveland entered. With an air of assumed authority he proclaimed himself "chief," adding with an oath that he knew all the scoundrels from the "other side" and intended to get even with some of them. The covert threat which these words revealed did not escape the notice of Plummer, but Cleveland upon the instant charged Perkins with having violated a promise to pay some money which

he owed him in the lower country. Perkins assured him it had been paid. "If it has," said Cleveland, "it is all right," but as if to signify his distrust of Perkins's statement, he commenced handling his pistol and reiterating the charges. To prevent Cleveland from carrying his apparent design of shooting Perkins into execution, Plummer fixed his eyes sternly upon him and in a calm tone told him to behave himself, that Perkins had paid the debt and he ought to be satisfied.

Quiet was restored for the moment and Perkins slipped off, intending to return with his pistols and shoot Cleveland on sight. Here the difficulty would have ended had not Cleveland, in an evil moment, in a defiant and threatening manner, with mingled profanity and epithet, declared that he did not fear any of them. Filled with rage, Plummer sprang to his feet, drew his pistol, and exclaiming, "I am tired of this," followed up the expression with a couple of rapid shots, the last of which struck Cleveland below the belt. He fell on his knees. Grasping wildly for his pistol, he appealed to Plummer not to shoot him while he was down. "No," said Plummer, whose blood was now up; "get up." Cleveland staggered to his feet, only to

receive two more shots, the second of which entered below the eye. He fell to the floor, and Plummer, sheathing his pistol, turned to leave the saloon. At the door he was met by George Ives and Charley Reeves, each of whom, pistol in hand, was coming to take part in the affray. Each seizing an arm, they escorted Plummer down the street, meanwhile suggesting with great expletive emphasis a variety of surmises as to the possible effect of the quarrel upon the public.

Hank Crawford and Harry Phleger, two respectable citizens, hastened to the aid of the dying desperado, whom they conveyed to Crawford's lodgings. His bed being poorly furnished Cleveland sent him to Plummer's to get a pair of blankets belonging to him. The interview between Crawford and Plummer on this occasion showed that the mind of the latter was ill at ease. Like Macbeth's dread of Banquo, so he felt that, while Cleveland lived, —

> "There is none but he
> Whose being I do fear; and under him
> My genius is rebuk'd."

In the brief colloquy which took place between them, Plummer asked Crawford no less than three times what Jack had said about him. His

past career of crime was all before him. Crawford as often replied, "Nothing."

"'Tis well he did not," at length responded Plummer, "for if he had I would kill him in his bed."

Crawford then told him that, in reply to several questions asked him, Cleveland had said: —

"Poor Jack has got no friends. He has got it" (meaning his death-wound), "and I guess he can stand it."

Crawford left with the impression that Plummer still thought Cleveland had exposed him, and was careful afterwards to go armed, as he felt that his own life was in danger. Cleveland lingered in great agony for three hours, and was decently buried by Crawford. Soon after he had been removed to Crawford's cabin, Plummer sent a man known as "Dock," a cook, into the cabin as a spy, where he remained until Cleveland died. He said that the only reply Phleger received to repeated questions concerning the difficulty between him and Plummer was, "It makes no difference to you." The secret, if secret there was, died with him.

No immediate investigation was made of the circumstances of this affray. It was thought by many that Plummer merely anticipated Cleve-

land's intention by firing first. Shooting of pistols and duelling were so common as of themselves to excite no attention. Many bloody encounters took place of which no record has been preserved, and which at the time, were regarded as very proper settlements of difficulties between the parties.

A few incidents as illustrative of the customs of a mining-camp will not be out of place in this immediate connection. On one occasion during the winter a quarrel sprung up between George Ives and George Carrhart in the main street. After a long wordy war interlarded with much profanity and various opprobrious epithets, Ives ran into a saloon near for his pistol, exclaiming, "I will shoot you." Carrhart followed him and both reappeared at the door of the saloon a moment thereafter, each armed with a revolver. Facing each other upon the instant, both parties raised their pistols and fired without effect. After a second fire with no better effect, both parties walked rapidly backwards till they were widely separated, at the same time firing upon each other. Ives having emptied his revolver, stood perfectly still while Carrhart took deliberate aim and shot him in the groin, the ball passing through his body, inflicting a severe wound.

Soon afterwards they reconciled their difficulties, and Ives lived with Carrhart on his ranche the remainder of the winter.

Many of the early emigrants arrived at Bannack so late in the fall that they could provide themselves with no better shelter from the weather during the winter than was afforded by their wagons. Of this number were Dr. Biddle and his wife, Mr. and Mrs. Short, and their hired man from Minnesota. While seated around their camp fire one dismal afternoon, engaged in conversation with Mr. J. M. Castner, a bullet whizzed so near the ear of Castner that he felt its sting for several days. Castner ascertained that it was fired by one Cy. Skinner, a rough, who excused himself with the plea that he thought they were Indians, and by way of amends invited Dr. Biddle and Castner to drink with him. Castner had the good taste to decline.

The very composition of the society of Bannack at the time was such as to excite suspicion in all minds. Outside of their immediate acquaintances, men knew not whom to trust. They were in the midst of a people which had come from all parts of this country and from many of the nations of the Old World. Laws

which could not be executed were no better than none. A people, however disposed to the preservation of order and punishment of crimes, was powerless for either so long as every man distrusted his neighbor. The robbers, united by a bond of sympathetic atrocity, assumed the right to control the affairs of the camp by the bloody code. No one was safe. The miner fortunate enough to accumulate a few thousands, the merchant whose business gave evidence of success, the saloon-keeper whose patronage was supposed to be productive, were all marked as victims by these lawless adventurers. If one of them needed clothing, ammunition, or food, he obtained it on a credit which no one dared refuse, and settled it by threatening to shoot the person bold enough to ask for payment. Such a condition of society, as all foresaw, must sooner or later terminate in disaster to the lovers of law and order or to the villains who depredated upon them. Which were the stronger? The roughs knew their power, but their antagonists, separately hedged about by suspicion as indiscriminate as it was inflexible, knew not how to establish confidence in each other upon which to base an effective opposition. Meantime the carnival of crime was progressing. Scarcely a day passed unsignalized by outrage or

murder. The numerous tenants of the little grave-yard had all died by violence. People walked the streets in fear.

This suspense was at last broken by a murder of unprovoked, heartless atrocity, which the people felt it would be more criminal in them to overlook than it was in the perpetrators to commit. In January, 1863, that notorious scoundrel, Charley Reeves, bought a squaw from the Sheep Eater tribe of Bannacks. She soon fled from him to her friends to escape his abuse. The tepee was located on an elevation south of that portion of the town known as "Yankee Flat," a few rods in rear of the street. Reeves went after her. Finding her deaf to persuasion, he employed violence to force her return to his camp. An old chief interfered and thrust Reeves unceremoniously from the tepee. Burning with resentment, Reeves and Moore fired into the tepee the next evening, wounding one of the Indians. They then returned to town, where they were joined by William Mitchell, with whom they countermarched, each firing into the tepee, and this time killing the old chief, a lame Indian, a pappoose, and a Frenchman by the name of Cazette, who had come to the tepee to learn the cause of the first shot. Two other persons who had been influenced

by similar curiosity were badly wounded. When the murderers were afterwards told that they had killed white men, Moore with a profusion of profane appellations said "they had no business there."

CHAPTER XIX.

MOORE AND REEVES.

MOORE AND REEVES FLEE — MASS MEETING OF CITIZENS — THEY ARE ARRESTED — TRIAL AND ACQUITTAL OF PLUMMER FOR KILLING CLEVELAND — MODE OF TRIAL — INCIDENT AT BLACKFOOT — TRIAL OF MOORE AND REEVES — INCIDENTS OF THE TRIAL — SENTENCED TO BANISHMENT — BANISHMENT AND RETURN OF MITCHELL.

ALARMED at the indignation which this brutal deed had enkindled in the community, Moore and Reeves, at a late hour the same night, fled on foot in the direction of Rattlesnake. They were preceded by Plummer, who it was supposed had gone to provide means for their protection. He, however, afterwards asserted that he left through fear that in the momentary excitement the people would hang him for shooting Cleveland.

A mass meeting of the citizens was held the next morning, and a cordon of guards appointed to prevent the escape of the ruffians. When it was discovered that they had gone, on a call for

volunteers to pursue them, Messrs. Lear, Higgins, Rockwell, and Davenport immediately followed on their track. The weather was intensely cold. The route of the pursuers lay over a lofty mountain covered with snow to a great depth. After riding as rapidly as possible, they came up with the fugitives at a distance of twelve miles from town. They had taken refuge in a dense thicket of willows on the bank of the Rattlesnake. Being challenged to surrender, they peremptorily refused. Pointing their pistols with well-directed aim at the approaching party, and interlarding their discourse with a flood of oaths, they ordered them to advance no farther on peril of their lives. The advantage was on the side of the robbers, and they could easily have shot down every one of their pursuers. A parley ensued. The position of both parties was fully discussed. The conviction that it was equally impossible for the pursuers to effect a capture, and for the ruffians to escape such a pursuit as would be made if they did not return, induced the latter to agree to a surrender, upon the express condition that they should be tried by a jury. The pursuing party gave a ready assent to this arrangement, and the fugitives returned in their custody to town.

Plummer was put upon his trial immediately. While that was progressing a messenger was sent to Godfrey's Cañon, ten miles distant, to summon Mr. Godfrey and the writer, who, with others, were erecting a saw-mill there Before their arrival at midnight, Plummer was acquitted, no doubt being entertained, on presentation of the evidence, that he had killed Cleveland in self-defence. Several witnesses testified that they had on various occasions heard Cleveland threaten to shoot Plummer on sight.

At a late hour the people separated with the purpose of assembling for the trial of Moore, Reeves, and Mitchell early the next morning. Day broke clear and cold. All work was suspended in the gulch, stores and hotels were abandoned, and the entire population, numbering at least four hundred persons, assembled in and about the large log building which had been designated as the place of trial. Every man was armed, some with rifles and shot-guns, others with pistols and knives. The friends of the prisoners gave free utterance to threats, which they accompanied with much profane assumption of superior power and many defiant demonstrations. Pistols were flourished and discharged, oaths and epithets freely bestowed upon the citi-

zens, and whatever vehemence of gesture and expression could do to intimidate the people, was adopted. Amid all this bluster it was apparent from the first that the current of popular opinion set strongly against the prisoners. There was an air of quiet determination manifested in every movement preparatory for the trial. The citizens were ready for an outbreak, and the least indication in that direction would have been the signal for a bloody and decisive battle. It is not improbable that an attempt at rescue was prevented by the presence of the overpowering force of armed and indignant citizens.

The efforts of the roughs to suppress the trial only increased the indignation of the people, and after electing a temporary chairman, a motion was made that the accused be tried by a miners' court. This form of tribunal grew out of the necessities of mining life in the mountains. It originated in the early days of California, when the country was destitute of courts and law, and still exists in inchoate mining communities as a witness to the fairness and honesty of American character. It is now the general custom among the property holders of a mining camp, as the first step towards organization, to elect a president or judge, who is to act as the judicial officer

of the district. He has both civil and criminal jurisdiction. All questions affecting the rights of property, and all infractions of the peace, are tried before him. When complaint is made to him, it is his duty to appoint the time and place of trial in written notices which contain a brief statement of the matter in controversy, and are posted in conspicuous places throughout the camp. The miners assemble in force to attend the trial. The witnesses are examined, either by attorneys or by the parties interested, and when the evidence is closed the judge states the question at issue, desiring all in favor of the plaintiff to separate from the crowd in attendance until they can be counted, or to signify by a vote of "aye" their approval of his claim. The same forms are observed in the decision of a criminal case. The decision is announced by the judge and entered upon his record. Where the punishment is death, the criminal is generally allowed one hour to arrange his business and prepare for death; when it is banishment, a few hours are given him to leave the camp. If he neglects to comply with the sentence he is in danger of being summarily executed. Where the rights of parties are settled by the court, and the defeated party shows any resistance to the decision, it is

the duty of the court, if necessary, with the strong hand to enforce it. The court is composed of the entire population. To guard against mistakes, the party in defeat, in all cases, has the right to demand a second vote.

The progress of a trial in one of these courts is entirely practical. Often the miners announce at the commencement that the court must close at a certain hour. Cross-examinations are generally prohibited, and if lawyers are employed, it is with the understanding that they shall make no long arguments. Each party and their respective witnesses give their evidence in a plain, straightforward manner, and if any of the listeners desire information on a given point in the testimony they request the person acting as attorney to ask such questions as are necessary to obtain it. The decisions of these tribunals are seldom wrong, and are always enforced in good faith. They have many advantages in mining regions over courts at law. None of the tedious incidents of pleading, adjournment, amendment, demurrer, etc., which at law so often consume the time of litigants and put them to unnecessary expense, belong to a miners' court.

The miners themselves have little time to spare, and hence these courts are held on Sunday in all

cases where the exigency is not immediate. They are held in the open air. Whenever, from any seemingly unnecessary cause, their investigations are prolonged, as by argumentative display, there are always those present who, by the command "Dry up," "No spread-eagle talk," force them to a close.

On one occasion at Blackfoot, in Montana, a rough was on trial for crimes which endangered his life. A motion had been made by his counsel that his life be spared on condition that he would leave the gulch in fifteen minutes,— which motion was carried by a small majority. In anticipation of this favorable result his friends had provided a mule to expedite his departure. The presiding miners' judge announced to him the condition of his freedom from death. Fearful that a reconsideration might be demanded, the moment he was released he vaulted into the saddle, and looking around upon the crowd exclaimed, "Fifteen minutes!! Gentlemen, if this mule doesn't buck, five will do!" and lashing the sides of the animal he disappeared at double-quick amid the shouts and laughter of the crowd.

It was a trial by this court that the murderers dreaded, and to escape which they made a trial by jury the condition of their surrender. When

the motion was made to substitute the miners' court it fell into their midst like a thunderbolt. They regarded a trial by the mass as certain of conviction as a trial by jury would be of acquittal, not because the latter would be any less likely than the former to perceive their guilt, but because fear of personal consequences would prevent them from declaring it. Men whose identity was lost in a crowd would do that which, if they were known, would mark them as victims for future assassination. The friends of the prisoners showed the estimation in which they regarded this consideration when they openly threatened with death every individual who participated in the trial. They anticipated that, as none would dare in defiance of this threat to act upon a jury, all proceedings would be suppressed, thus renewing the license for their continued depredations.

The statement of the motion by the chairman was the signal for a violent commotion among the roughs. One long howl of profanity, mingled with the most diabolical threats and repeated discharge of pistols, filled the room. Many shots were turned from their deadly aim by timely hands and discharged into the ceiling. Knives were drawn and flourished in the faces of prominent citizens, accompanied with threats of death in case

the motion prevailed. The scene was fearful in the extreme. The miners in different parts of the crowd could be seen getting their guns and pistols ready for a collision which at one stage of the tumult it seemed impossible to avoid. At length the repeated cries of the chairman for order, and the earnest voices of several persons who were desirous of discussing the proposition, allayed the noise and confusion, so that they could be heard. The guilt of the prisoners was so palpable that the people deemed any sort of a trial which would not speedily terminate in their condemnation a farce. A very large majority were in favor of a miners' court, because they foresaw that any other form of trial afforded opportunity for escape. Three hours were spent in determining the question. Many short, emphatic arguments were made. In the meantime the disturbance made by the roughs waxed and waned to suit the different stages of the discussion. Shots at one moment and shouts at another betrayed their approval or disapproval of the sentiments of the speaker. I had from the first made myself offensive to my own immediate friends and intimates by pertinaciously claiming for the prisoners a trial by jury, and mounting a bench I embraced an early opportunity to give, in a few pointed

words addressed to the assembled miners, my views. I reminded them of the constitutional provision which secured to every one accused of crime a trial by jury. It was a law of the land, as applicable on this as on any other occasion. The men were probably guilty; if so, the fact should be proved; if not, they had the right by law, on proving it, to an acquittal. Moreover, they had surrendered at a time when they could not have been captured, upon the express condition that they should be tried by jury. I asked, "Shall we ignore the agreement made with them by our officers?" I concluded by offering a motion that they be tried by a jury. It was negatived by three to one. Immediately a cry rose in the crowd, "Hang them at once;" this was followed by other cries of "String 'em up," "To the scaffold with 'em." Pistols were drawn and flourished more freely than before, and many personal collisions, resulting in bloody noses, black eyes, and raw heads took place in all parts of the room. Another hour was spent in discussion, and finally by a bare majority it was agreed to give the prisoners the benefit of a trial by jury.

It is impossible to portray with accuracy of detail the fearful effects of passion which were exhibited by the assembly while this question

was being determined. On a limited scale it could not have been unlike some of the riotous gatherings in Paris in the days of the first revolution. It wanted numbers, it wanted the magnificent surroundings of those scenes, but as an exhibition of the passions of depraved men, when inflamed with anger, drink, and vengeance, it could not have been greatly surpassed by them.

Order at length being restored, a portion of the room was enclosed with scantling, for the accommodation of the Court and jury. J. F. Hoyt was elected Judge, Hank Crawford sheriff, and George Copley, prosecutor. The jury was next chosen by a vote of the people. My own appointment on the jury was urged by the roughs, as a compliment for my efforts to obtain for them a jury trial. I was regarded by them as a friend, and they hoped confidently for acquittal through my influence.

At first it was determined that the examination of the witnesses for both prosecution and defence should be conducted by George Copley, the prosecutor, but upon an appeal for justice in behalf of the prisoners it was at length decided by a small majority that the accused should be allowed the assistance of counsel, with the understanding that all the questions of their

counsel were first to be submitted to the prosecutor. Hon. Wm. C. Rheem was chosen to defend the prisoners, and there were many threats of violence toward him for consenting to conduct the defence. It was agreed that the arguments to be made on either side should be brief, and that the trials should be urged to their conclusion with all possible expedition. Mr. Rheem's ability as a lawyer was unquestioned, — which fact furnished to those who objected to a jury trial their principal reason for opposing his employment as counsel for the prisoners. As the extent of Mitchell's criminality was uncertain, he was allowed a separate trial. His case was first brought under examination. It appeared in evidence that he accompanied Moore and Reeves on their second murderous visit to the tepee, but he was able to show that he did not once fire his gun, and consequently could not be guilty of murder. His trial was soon terminated. The jury recommended that he should be immediately banished from the gulch.

The guilt of Moore and Reeves was fully established. This result was foreseen by their friends; and while the trial was in progress they sought by threats and ferocious gesticulations to intimidate the jury. Gathering around the side

of the enclosure occupied by the jury, they kept up a continued conversation, the purport of which was that no member of that Court or jury would live a month if they dared to find the prisoners guilty. Occasionally, their anger waxing hot, they would draw their pistols and knives, and brandishing them in the faces of the jurymen, utter a number of filthy epithets, and bid them beware of their verdict. Crawford was an object of their especial hate. Their abusive assaults upon him and threats were so frequent and violent that at one time he tendered his resignation and refused to serve, but upon the promise of his friends to stand by and protect him he retained his position. The case was given to the jury at about seven o'clock in the evening. A friend of the prisoners in the court-room nominated me as foreman, but upon my refusal to serve under that nomination I afterwards received the appointment by a vote of my fellow-jurymen.

The jury were occupied in their deliberations until after midnight. No doubt was entertained, from the first, of the guilt of the prisoners, but the exciting question was whether they could afford to declare it. They all felt that to do so would be to announce their own death sentence.

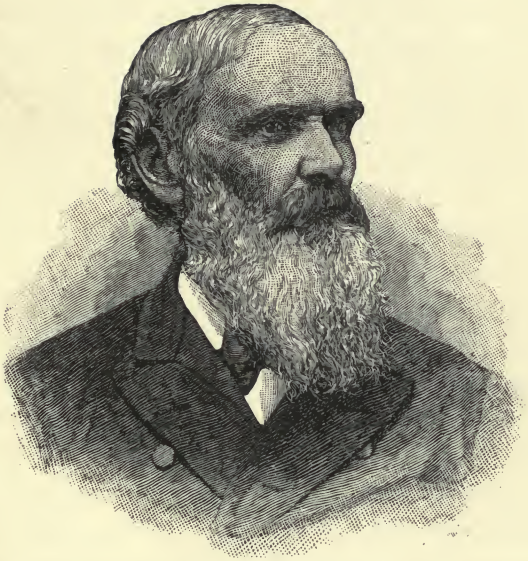
They knew that the friends of the prisoners fully intended to have life for life. They had sworn it. One of the jurymen said that the prisoners ought never to have been tried by a jury, but in a miners' court, that he should not be governed in his decision by the merits of the case, but that, as he had a family in the States to whom his obligations were greater than to that community, he should have to vote for acquittal. After much conversation of this sort, which only served to intensify the fears of the jurymen, a vote was taken which resulted as follows: not guilty, 11; guilty, 1; myself, the supposed friend of the roughs, being the only one in favor of the death penalty. It was apparent that further deliberation would not change this decision, and the jury compromised by agreeing to a sentence of banishment, and a confiscation of the property of the prisoners for the benefit of those they had wounded.

The Court met the ensuing morning, when the verdict, under seal, was handed to the judge. He opened and returned it to the foreman, with a request that he read it aloud. An expression of blank astonishment sat upon the face of every person in the room, which was followed by open demonstrations of general dissatisfaction, by all

but the roughs, who, accustomed to outrages and long immunity, hailed it as a fresh concession to their bloody and lawless authority.

Mitchell returned to Bannack after a few days' absence, which was seemingly regarded as a full expiation of his sentence. A miners' court met soon after his return, and in view of the fact that his sentence was not enforced, revoked the sentence of Moore and Reeves, who again rejoined their fellow-miscreants. Thus the first scene in the drama, which had been ushered in by such a bloody prologue, terminated in the broadest farce.

The trial of Moore and Reeves was one of the earliest instances in the Territory where the lovers of law and order on one side, and the criminal element on the other, were brought into open, public antagonism. No one knew at that time which of the two was the stronger. The roughs had full confidence in their power to run the affairs of the Territory in their own way; — and while the trial was progressing sought, by brandishing their revolvers in the court-room, by much loud-mouthed profanity, and by frequent interruptions and threats of vengeance directed against the judge and jury, to intimidate and terrify all who were concerned in conducting the



JUDGE J. F. HOYT,
Miners' Judge at trial of Moore and Reeves.

proceedings, and arrest them in their purpose. The life of Judge Hoyt, the acting magistrate of the occasion, was often threatened; but he not only manifested no fear, but was all the more active and efficient in the discharge of the duties of his difficult position. Being the central figure in the court, his calmness and firmness inspired all the other persons engaged in the prosecution with courage equal to the occasion, while it daunted the roughs and probably prevented bloodshed.

Professor Thomas J. Dimsdale, in his account of this trial, says: "To the delivery of this unfortunate verdict may be attributed the ascendency of the roughs. They thought the people were afraid of them. The pretext of the prisoners that the Indians had killed some whites, friends of theirs, in 1849, while going to California, was accepted by the majority of the jurors as some sort of justification: — but the truth is, they were afraid of their lives, and, it must be confessed, not without apparent reason."

Mr. Rheem, who defended the prisoners, says: "My conscience has more than once pricked me for interposing between the rogues and the halter, but I never believed till the last hour of their trial that they would escape hanging."

CHAPTER XX.

CRAWFORD AND PHLEGER.

MEETING AND DECISION OF THE ROUGHS — PLUMMER ASSIGNED TO THE TASK OF KILLING CRAWFORD — CRAWFORD'S EXPOSURES — PLUMMER SEEKS BY VARIOUS DESIGNS TO LURE HIM INTO A QUARREL — PLUMMER'S SKILL WITH THE PISTOL — QUARREL IN A SALOON — HARRY PHLEGER TO THE RESCUE — PLUMMER DEFEATED — ANOTHER SALOON AFFRAY — PHLEGER AGAIN — PLUMMER CHALLENGES PHLEGER — CRAWFORD SHOOTS AND SEVERELY WOUNDS PLUMMER — LEAVES FOR FORT BENTON — IS PURSUED, BUT ESCAPES — DR. GLICK DRESSES PLUMMER'S WOUND — HIS LIFE THREATENED.

THE banishment of Moore and Reeves was regarded by the roughs as an encroachment upon the system they had adopted for the government of the country. Long impunity had fostered in them the belief that the citizens would not dare to question their power to do as they pleased. They held a meeting, and it was quietly agreed among them, that every active participant in the late trial should be slain. The victims were

selected, the work deliberately planned, and each man allotted his part in its performance. This wholesale scheme of vengeance was to be effected secretly, or by provoking those at whom it was aimed into sudden quarrel, and shooting them in assumed self-defence. Any course more culpable would afford the assassin small chance of escaping the vengeance of the law-abiding citizens.

Plummer was the recognized chief of the murderous band. To him was assigned the task of killing Crawford, who, as sheriff, had acted a prominent part in the trial of the exiles. This task was rendered doubly acceptable to Plummer, because he believed it would silence the tongue of the only man in the country who had any knowledge of his guilty career in California. One such person, in Cleveland, had already been slain; but Plummer suspected that on his deathbed, Cleveland had told Crawford everything. Crawford knew intuitively of Plummer's suspicions, and felt that his life was in danger. He was careful never to be unarmed. His business, as the proprietor of a meat market, was one of constant exposure. It rendered occasional journeys to Deer Lodge, where he purchased cattle, necessary, and his trips to his ranche, several miles from town, were also frequent. Outwardly,

Plummer was friendly. One of Crawford's friends, Harry Phleger, confirmed his worst suspicions, by telling him that he had seen Plummer near the market one night, apparently on the watch for him. He had also noticed some suspicious movements of Plummer and a rough, familiarly called "Old Tex," which seemed to be directed against Crawford.

(The "Old Tex" mentioned in this part of the history must not be confounded with Boone Helm's brother, who is mentioned under the same cognomen in its earlier pages. "Old Tex" was a common *sobriquet* in the mountains, for noted men who had spent a portion of their lives in Texas. Almost every territory has its respective "Buffalo Bill," "Whiskey Bill," "Bed Rock Joe," "Sour Dough Tom," and "Old Tex.")

Plummer soon saw that Crawford understood him, and that the only safe method of executing his design, was to provoke him into a quarrel. Plummer was reputed to excel any man in the mountains in the use of a pistol, — an accomplishment in which Crawford had no skill. Several little incidents growing out of Crawford's efforts to re-imburse himself for the expenses he had incurred in the care and burial of Cleveland, and in the trial of Moore and Reeves, in which

Plummer voluntarily intermingled, discovered the deadly purpose of the latter. On one of these occasions, believing that a quarrel could not be avoided, he was unexpectedly confronted by five or six of Crawford's friends with their hands on their revolvers. His temper and courage cooled at once, and he sent Crawford an apology, desiring to meet him as a friend. They shook hands a few days after, and parted, seemingly on the best of terms.

Anxious as Crawford was to be at peace, he was not deceived by this offer of friendship. It was but a new move in the deadly game which Plummer was playing for his life, and he knew it. A few days afterwards, while conversing in a saloon, a rough-looking individual asked him, in an impudent manner, what he was talking about.

"None of your business," replied Crawford.

"I dare you," replied the man, with an insulting epithet, "to fight me with pistols."

Looking around, Crawford discovered Plummer among the listeners standing near, and comprehended the situation in an instant.

"You have the odds of me with a pistol," said he. "Why should I fight you?"

"Well, then," said the man, in a furious pas-

sion, "try it with your fists. That'll tell which is the best man."

Discovering that the man had no belt, Crawford unbuckled his own, and laid his pistol on the bar. Following his challenger into a dark corner of the room, he slapped him in the face. The man instantly drew from his coat a revolver, but before he could aim it, Crawford seized him by the throat and disarmed him. At this moment, Plummer joined the man in the attack on Crawford, and the two wrested the pistol from him, and, but for the timely interference of Harry Phleger, who came to Crawford's assistance and recovered possession of the pistol, Crawford would probably have been shot. Crawford and Phleger then left the saloon. It did not surprise Crawford, when told afterwards by the saloon-keeper, that the design was to entrap him into an outdoor fight with pistols, when Plummer was ready, with his friends, to shoot him as soon as the battle commenced.

This assault did not disturb Plummer's affected friendship for Crawford. Learning a few days afterwards that the latter was going to Deer Lodge for cattle, he on the first opportunity told him that he should start for Fort Benton the next morning. Crawford knew that this was offered

as an explanation in advance for his absence, and to throw him off his guard in the trip he contemplated making after cattle. He replied at once, —

"Wait a day or two and I'll accompany you part way."

"No," said Plummer, "my business is urgent." Plummer left the next morning, accompanied by George Carrhart. Crawford found it convenient to be detained by private business, and sent his butcher in his stead, who met Plummer at the crossing of Big Hole river, and that worthy, upon being informed that Crawford was not going to Deer Lodge, returned to Bannack. Crawford was afterwards told that Plummer had made three efforts at different times to waylay and murder him on the road to Deer Lodge.

Among other devices employed, Plummer sought through his associates to accomplish the death of Crawford. He sent a notorious rough known as Bill Hunter, to engage him in a quarrel and shoot him. Hunter, meeting Crawford, told him he had something against him.

"If you want anything of me," said Crawford, with the emphasis of his hand upon his pistol, "you can get it right straight along."

Seeing that he would probably be killed before he could draw his pistol, or, in the sententious

phrase of the country, that he could not "get the drop on him," Hunter left, discomfited by Crawford's bravery.

The next Sunday while Crawford and George Perkins were in conversation, in one of the saloons, Plummer came in, seemingly in great anger.

"George," said he, addressing Perkins, "there's a little matter between you and Crawford in which I am concerned, that's got to be settled."

"Well, I can't imagine what it can be," Crawford laughingly replied. "I'm not aware of having said or done anything concerning you, that should excite your anger or call for a settlement."

"Oh, you needn't laugh," responded Plummer with an oath. "It's got to be settled;" and turning to Perkins he continued, "you and Crawford have been telling around through the camp, that I was trying to court the squaw Catherine." Then applying to Perkins a disgraceful epithet, he said, "You are a coward. I can whip you and Hank Crawford both, and if you are anything of a man, you will just step out of doors and fight me."

"I am, as you say," said Perkins, "a coward, and no fighting man when I've got nothing to fight for. I would not go out of doors to fight with anybody."

"Crawford won't admit that," said Plummer, "and if you refuse the challenge, I ask the same satisfaction of him. Let him go out with me if he dares."

"Plummer," replied Crawford, "I neither know what cause there is for fighting you, nor why I should fear to go out of doors on your challenge. I do not believe that one man was made to scare another."

"Come on, then," said Plummer, passing into the street, closely followed by Crawford. When they had walked a few steps, —

"Now pull your pistol," said Plummer.

Crawford was standing close beside Plummer.

"I'll pull no pistol," he replied. "I never pulled a pistol on a man yet, and you'll not be the first."

"Pull your pistol," persisted Plummer. "You may draw it and cock it, and I'll not go for mine until you have done so, and uttered the word to fire."

"I'm no pistol shot," said Crawford, "and you know it, — and you wouldn't make me a proposition of this kind if you hadn't the advantage."

"Pull your pistol," retorted Plummer, with an oath, "and fight me like a man, or I'll give you

but two hours to live, and then I'll shoot you down like a dog."

"If that's your game, Plummer," said Crawford laying his hand on his shoulder, and looking him steadily in the eye, "the quicker you do it, the worse for you. I'll present you a fair target."

Turning upon his heel Crawford walked deliberately away, well knowing that fear of consequences would prevent Plummer from firing at him, without some plausible excuse. This conversation occurred at a late hour in the afternoon. Harry Phleger came into town early in the evening. Crawford sent a message to him, requesting him to come at once to Peabody's saloon. As he entered, Crawford told him that Plummer had given him two hours to live, and the time had nearly expired.

"I expect," said Crawford, "he will keep his word."

"If he attempts it," replied Phleger, "we will try and give him as good as he sends. It's clever at any rate to inform one of his intentions. He will expect you to be prepared."

In a few minutes five or six men, armed with revolvers, entered the saloon, followed by Plummer. He had remained long enough outside to deposit a double-barrelled gun over the door.

"Deaf Dick," who accompanied the crowd, was unarmed.

"Come on, boys," said Phleger, "let's take a drink."

All stepped back in refusal of the invitation.

"Well, Dick," said Crawford, addressing him in a key that he could hear, "you'll drink anyhow."

"Not I," said Dick with an oath. "I drink with no coward such as you have proved yourself to be by refusing to fight Plummer."

"You're the wrong man to brand me as a coward, at any rate," said Crawford, advancing toward him as if with the intention of striking.

Plummer at once stepped up and handed Dick his revolver, and the crowd gathered around him and Crawford. Harry Phleger at this moment drew his pistol, and Crawford said to him, —

"Harry, I suppose these men have come to kill me. You are my only friend, and I'll make you a present of my six-shooter. I suppose I've got to die."

"Who will kill you?" asked Phleger.

"Plummer, I suppose. He threatened it," was the reply.

"Not a man here dare shoot you," said Phleger, at the same time looking around upon the

crowd, and characterizing it by a degrading epithet.

Plummer at this jumped forward, and seizing Phleger's revolver, tried to wrest it from him. In the grapple Plummer was thrown, when Phleger drawing another pistol from his belt, presented both ready cocked to the crowd, which was now pressing threateningly towards him, and calling to Crawford, said, —

"Come on, Hank, let's get out of this," and both backed out into the street facing their assailants, who did not follow them.

Phleger and Crawford started for the lodgings of the latter, passing on the way the meat market, where they were joined by Johnny Shepard and another man, who, taking all the arms they could find, went with them. As soon as they arrived at the room, Crawford, completely unnerved, lay down and cried himself to sleep. Phleger was made of sterner stuff, and watched all night. Some one rapped at the door at midnight, but was told by Phleger that if he attempted to enter, he would shoot him "on sight."

On the morning of the second day after this occurrence, Plummer came up the street, gun in hand, peeping by the way into the saloons and market for Crawford. Not finding him, he as-

sumed a watchful attitude, and stood leaning on his gun, twenty steps distant from the door of the market. Crawford not appearing, after half an hour he walked on with "Deaf Dick" to Phleger's room. Phleger met him at the door, and invited him in.

"No," said Plummer, "you've set yourself up for a game-cock, and to let you know that I hold you in no fear, I've come up to give you a chance to display your skill. Get your gun and we'll try an exchange of shots at ten paces." This invitation was interlarded with the usual complement of oaths and epithets. Harry felt the abuse of Plummer keenly, but knew too well his skill with fire-arms to consent to the murderous proposition.

"No, thank you, Plummer," he replied, laughing, "I'm not looking around for any one to shoot this morning, and have no special regard for any one who is. If you are, and you really want to shoot, you'd better turn loose."

It so happened that at the time of this conversation, Crawford, armed for the purpose, was searching for Plummer, with the intention of shooting him. As is usual on all such occasions, friends interfered to prevent a collision, but Crawford, believing that either he or Plummer must die on their next meeting, gave no heed to their

advice. When this was understood by Plummer's friends, they resorted to various devices to throw Crawford off his guard. At one time they told him that Plummer was about to leave town. This only made him the more watchful. Plummer, meantime, was careful to have one or more friends constantly in his company, so that Crawford could not fire at him without endangering the lives of others. This situation of affairs between the two men continued for several days. The entire community was prepared to hear of the death of one or both at any moment, and each was now encouraged in his purpose by his friends. Plummer was frequently seen near the butcher shop, but never alone. He finally disappeared, and sent a friend to Crawford with the proposition that they should drop all hostile intentions and meet as strangers.

"Tell Plummer," said Crawford, "that the trick is too shallow. I know him. His word of honor, so repeatedly broken, I regard no more than the wind. He or I must die or leave the camp."

Soon after this, one of Crawford's friends discovered that Plummer and his friends had laid a plan to shoot him in his own doorway, under cover of a house directly opposite, and told Craw-

ford of it. While Crawford was on the lookout, a lady living in a cabin in the rear of the Bannack Restaurant called to him to come and get a cup of coffee. While he was drinking it, Frank Ray approached him, and telling him that Plummer was searching for him, placed in his hands Buz Cavan's double-barrelled rifle. At this moment, Plummer, armed with a similar weapon, came up on the opposite side of the street, and stopping in front of the door, with one foot elevated and resting upon a spoke of a wagon-wheel, placed his rifle across his knee, his right fore-arm lying horizontally along the stock, which he grasped as if prepared to fire at a moment's notice. Crawford's friends urged him to improve that opportunity to shoot him. He went out quickly, and resting the rifle across a log projecting from the corner of the cabin, shot Plummer in the right arm, the ball entering at the elbow, and lodging in the wrist.

"Fire away, you cowardly ruffian," shouted Plummer, straightening himself and facing Crawford.

Crawford fired a second time, but the ball missed; and Plummer walked down to his cabin, carrying his gun, and followed by several of his friends.

Crawford knew that Plummer's friends would

kill him, unless he outwitted them on his escape from the country. He left for Fort Benton immediately, travelling the entire distance of two hundred and eighty miles by a trail that only those who had passed over it could trace. He was followed by three roughs, but arrived at the Fort in advance of them, where he was protected by Mr. Dawson, the factor at the post. He remained there until spring, and then took passage on a Mackinaw boat to the States.

Crawford's friends, and the miners generally, who had regarded this quarrel as a personal difficulty between him and Plummer, rejoiced at his escape. It had terminated injuriously as they felt, to the party who was most in fault, and they were glad the result was no worse. Few knew or ever suspected that it had any deeper origin than the frequent collisions incident to Crawford's attendance upon Cleveland, after he was shot, and his action as sheriff at the trial of Moore and Reeves. Had it been understood at this time that the roughs had not only decreed the death of Crawford, but of every other man who participated in that trial, the people would have placed themselves on a war footing, and organized themselves to resist the encroachments of the ruffians, which finally left them no other alternative. So

fully did they carry out their avowed purposes, that, within five months after the trial, not more than seven of the twenty-seven men who participated in it as judge, prosecutor, sheriff, witnesses, and jurors, were left alive in the territory. Eight or nine are known to have been killed by some of the band, and others fled to avoid a like fate.

Plummer's wound was very severe. The ball entered at the elbow. Passing down the arm, it broke each bone in two places. Dr. Glick, the surgeon in attendance upon him, after a careful examination of the wound, was of the opinion that amputation alone could save his life. The ball could not be found, and the arm swelled to thrice its natural size, and the passage made by the ball was filled for its entire length with bony spiculæ.

Plummer had in a previous affray lost the ready use of his other hand, and knowing that the loss of this arm would necessarily deprive him of his position of chief among the roughs, and that his life depended upon his skill in drawing his revolver, — as he had numerous enemies, who would endeavor to kill him but for the advantage which this skill gave him, — declared that he might as well die as lose his arm, and peremptorily

refused to consent to the operation, but insisted that the ball must be found and removed.

Dr. Glick, who was highly accomplished in surgery, explained to him the danger of such an operation, but Plummer said he would rather die in the effort to cure the arm than live without it. With great reluctance, and little faith in his ability to save the arm, the doctor undertook the thankless task, and made preparations to operate accordingly. When the arm was bared, and the doctor was about to commence, "Old Tex" and Bill Hunter entered the room, the latter armed with a double-barrelled shot-gun.

"I just thought," said he to the doctor, "that I'd tell you, that if you cut an artery, or Plummer dies from the operation you are going to perform, I'm going to shoot the top of your head off."

The operation was successfully performed, and a large amount of spiculæ and disorganized tissue removed, — but the bullet could not be found. For several days the result was uncertain. Dr. Glick gave to the wound, which was terribly inflamed, his unremitting attention. He had incurred the hatred of Plummer's friends because of his active support of law and order. They pretended to believe that he did not wish for

Plummer's recovery, and told him that they would hold him responsible with his life, for the safety of his patient. What was to be done? Escape from the country in the midst of an inclement season seemed impossible. In order to effect it, he must follow Crawford over an unknown trail to Fort Benton or to the Bitter Root valley, or run the gantlet of the hostile Indians at Bear river over a route of four hundred miles to Salt Lake. Plummer's wound was daily getting worse. The doctor, well knowing that the ruffians would put their threat into execution, prepared for his escape. Suspecting his intention, the friends of Plummer kept a close watch upon him. Despite their vigilance, however, a trusty friend secured his horse, saddled and bridled, in the bushes behind his cabin on the night that the crisis in the inflammation arrived. The doctor instructed Plummer's attendants to awaken him, in order that he might make his escape, if the swelling did not begin to abate by midnight, and lay down, booted and spurred, to get a little rest. But the favorable change which took place, while it saved to Montana one of her best citizens in Dr. Glick, lengthened out for a darker fate than that which had threatened it, the guilty life of Henry Plummer.

Dr. Glick came to Bannack with a party of emigrants of which he was captain, in 1862. The company were bound for Salmon river, but were arrested in their progress by the reputed richness of the Grasshopper mines. Glick had lost a handsome property in the early part of the war, and came to the gold mines to replenish his broken fortunes. He was accomplished in his profession, especially in surgery, and was the only physician in practice who had the confidence of the people, — Dr. Leavitt, also an able practitioner, — being, at the time, engaged in mining.

His services were in almost daily demand by the road agents, to dress wounds received in broils among themselves, or while engaged in the commission of robbery. It was impossible, from his frequent contact with them, and the circumstances with which ofttimes he found them surrounded, for him to avoid a knowledge of their guilty enterprises. But he neither dared to decline to serve them, nor to divulge their villany, well knowing that in either case, he would fall a victim to that summary vengeance, so promptly and fearlessly exercised in the case of Dillingham. He foresaw also, that a time must come, when all the guilty misdeeds which he had been obliged to conceal, would be revealed, and that then the

lovers of law and order would suspect the integrity of his motives, and possibly class him among the men of whom he justly stood so much in fear. But there was no remedy. He knew that his actions were narrowly watched, and that a word or glance indicating his suspicions would cost him his life. It was a happy day for him when, by the death of Plummer, his lips were unsealed.

The robbers, in other instances than the one recorded of his attendance upon Plummer, were in the habit of using threats to control the doctor's conduct. On one occasion in July, 1863, Plummer invited him to accompany him on a horseback excursion to his ranche on the Rattlesnake. Finding no one at the cabin on their arrival, Plummer asked the doctor to go with him down the creek and pick some berries. They soon came upon a large clump of birch bushes. Pulling them aside, Plummer disclosed an open space cut within the clump, in which were seated several men, seeing whom Glick drew back, but was told by Plummer to come in. He entered, and found himself amid five or six men with masked or blackened faces, of whom he recognized Moore and Billy Terwiliger. The latter was lying on a blanket, wounded in the leg by a bullet received in some affray.

After dressing the wound, the doctor started with Plummer on the return to Bannack. While crossing the plateau between Rattlesnake and Bannack, Plummer suddenly wheeled in front of the doctor, and, cocking his pistol, thrust it into his face, saying, —

"Now you know all. These are my men. I'm their chief. If you ever breathe a word of what you've seen, I'll murder you."

Under this kind of surveillance, the doctor lived until the robber band was destroyed. His discretion, only equalled by his kindness of heart, saved both his life from destruction by the robbers, and his good name from the public odium of the people. Montana has had no worthier or more useful citizen.

Henry Plummer was a man of wonderful executive ability. He was well educated. In stature he was about five feet ten inches, and in weight, one hundred and sixty pounds. His forehead was partially concealed by the rim of the hat which he rarely removed from his head, and his eyes were mild and expressive. In demeanor he was quiet and modest, free from swagger and bluster, dignified and graceful. He was intelligent and brilliant in conversation, a good judge of men, and his manners were those of a polished

gentleman. To his enemies his magnanimity was more seeming than real. He always proffered them the advantage in drawing the pistol, but he knew that the instance would be very rare, where, even thus favored, his antagonist could anticipate him in its deadly use.

Hon. Wm. C. Rheem, in a letter to the Helena (Montana) *Herald*, writes of Henry Plummer as follows: —

"I remember Plummer very well. He was frequently in my cabin, and I often came in contact with him while he was exercising the office of sheriff. His form and face were familiar to the first settlers in Bannack. He was about five feet eleven inches in height, and weighed a hundred and fifty pounds. He was straight, slender, spare, agile, and what Western men call withy. He was a quiet man and talked but little; when he did speak, it was always in a low tone and with a good choice of language. He never grew boisterous, even in his cups, and no impulse of anger or surprise ever raised his voice above that of wary monotone. His countenance was in perfect keeping with his utterance. Both were under the same vigilant command. If one was like the low, continuous purr of the crouching tiger, the muscles of the other were as rigid as those of the

beast before he springs. Affection, fear, hate, grief, remorse, or any passion or emotion, found no expression in his immovable face. No color ever flushed his cheeks. With mobile and expressive features, he would have been handsome — all except the forehead; this, with the conformation of the skull, betrayed the murderer, and Plummer knew it. The observer beheld a well-cut mouth, indicating decision, firmness, and intelligence; but not a line expressive of sensuality; a straight nose and well-shaped chin, and cheeks rather narrow and fleshless, still, in their outlines, not unhandsome. But one might as well have looked into the eyes of the dead for some token of a human soul as to have sought it in the light gray orbs of Plummer. Their cold, glassy stare defied inquisition. They seemed to be gazing through you at some object beyond, as though you were transparent. While other men laughed or pitied or threatened with their eyes, his had the same half-vacant stare, no matter how moving the story or tragic the spectacle.

"I have said that Plummer knew he had a bad front: he therefore kept it jealously covered with the turn-down rim of his slouch hat. When not in the mood or act of slaughter or rapine, his politeness was notable and well timed in demon-

stration. He understood the formulas of courtesy, but the one of uncovering his head he failed to observe."

An examination of Plummer's arm after his death, disclosed the fact that the lower fracture of the radius never united, but formed a false joint. The bullet passed into the marrow of the lower end of the bone, and was stopped in its progress by the bones of the hand. From subsequent use of the hand, while Plummer was sheriff, the bullet became worn as smooth as polished silver.

CHAPTER XXI.

BROADWATER'S STRATAGEM.

DEPARTURE OF MOORE AND REEVES TO DEER LODGE — BROADWATER'S AND PEMBERTON'S IMPROVEMENTS — MOORE SICK — BROADWATER'S KINDNESS — MOORE'S GRATITUDE — BROADWATER'S RIDE TO DEER LODGE — NIGHT AT BIG HOLE — SHOOTS AN INDIAN — MEETS IVES AND COOPER — IS PURSUED BY THEM — ARRIVES IN SAFETY AT CONTWAY'S RANCHE — LEAVES THERE BY A RUSE, AND COMPLETES THE TRIP TO DEER LODGE.

AFTER sentence of banishment was pronounced upon them, Moore and Reeves went to the mining camp in Deer Lodge valley, located near the present site of Deer Lodge City. Messrs. Broadwater and Pemberton, two young men who came into the territory a few weeks before, had selected this spot as an eligible location for a town, and were engaged in laying it out at the time the guilty exiles arrived. They had already erected two cabins, one of which they occupied, the other being vacant. It was the middle of February, and the weather was intensely cold. Moore and

Reeves made their camp in a clump of willows upon the bank of the Deer Lodge river. With no better protection than their blankets, against the wintry blasts which swept down the valley and the frequent storms that gathered in the lofty ranges overhanging it, and with no food except beef and coffee, these men suffered severely. Moore soon fell sick of mountain fever, and would probably have died had not Broadwater caused his removal to the vacant cabin, and supplied him with food and medicines necessary to his recovery. Soon after he had sufficiently recovered to leave his bed, a messenger from Bannack brought the intelligence that the miners, at a recent meeting, had revoked the sentence of banishment against him and Reeves, and that they were at liberty to return. During his illness the Indians had stolen Moore's horse. Broadwater placed one at his disposal, and Moore rejoined his comrades at Bannack.

In the following spring, Broadwater engaged in the cattle business, — buying in Deer Lodge and selling his herds at Bannack. The proceeds of these sales often amounted to thousands of dollars in gold dust. On one of these occasions he was preparing to return to Deer Lodge with six thousand dollars in gold. Moore called upon

him, with a request for a few moments' confidential conversation.

"Make a free breast of anything you have to communicate," said Broadwater. "I will listen and be silent."

"It's for your own safety, Broad," replied Moore, "and there is not another man in the country for whom I'd take the risk; but you were my friend when I needed friendship: you saved my life, gave me food and shelter and care; and I can never forget to be grateful — but you must pledge your honor not to betray me."

"Freely, freely, Moore; I would lose my life first."

"Then," said Moore, "I give you friendly warning, that there is a band of road agents here, that know of your having received a large quantity of gold dust during the past three days. They are informed of the time of your intended departure for Deer Lodge, and intend to waylay and murder you on the way, and corral your gold. You are 'spotted' for slaughter. My advice to you is to leave town secretly, and to be constantly on your guard, and under no circumstances let *any* one, not even your most intimate friend, know when you will leave."

"I intended going to-morrow morning," replied

Broadwater, "but if matters are as you tell me, I think I'll start to-night."

At this Moore exclaimed, "Why, you fool! there you go, shooting off your mouth to me the first thing. Didn't I caution you not to tell *any one?* And in less than a minute you tell me just what you're going to do."

It would be curious to know by what system of ethics Moore was governed in this strange admonition; whether it was to impress upon Broadwater the necessity of a caution which should withhold confidence even from the person who warned him of a danger, or whether there was a conflict between gratitude to Broadwater and fidelity to his confederates. It is not improbable that he was bound by strong obligations to communicate to his associates the very information which Broadwater had given him.

Satisfied that Moore belonged to the gang, yet confiding in the truthfulness of his disclosure, Broadwater mounted his horse early in the evening, and at two o'clock the next morning was at the crossing of the Big Hole river. There he intended to rest, but fearful that his horse might be stolen by some Pend d'Oreille Indians camped near, he rode on, six miles, to Willow creek. Fastening the lariat firmly to his wrist, and rely-

ing upon the sagacity of his horse, to warn him of the approach of any of his red neighbors, he lay down upon the grass, and fell asleep. An hour before daylight he was aroused by a sudden plunge and snort of his horse, which, with braced feet, was gazing intently at a patch of wild rye growing near. He retained his prostrate position, and, with his eyes riveted in the same direction, and his faithful revolver grasped ready for use, quietly awaited further developments. At length a slowly creeping object became dimly visible in the morning twilight. He delayed no longer, but taking deliberate aim, fired. Instantly an Indian rose above the rye stalks, and with a fearful yell, sped away into darkness. More frightened than the redskin, whom he afterwards learned he had severely wounded, he mounted his horse with the least possible delay, and hurried away from the dangerous neighborhood.

His route now lay directly over the main range of the Rocky Mountains, by a pass whose ascent and descent are so imperceptible, that persons unacquainted with its peculiarities can never determine where the one ends, or the other begins. It is covered with bunch grass for its entire distance, and its very summit is crowned with one of the finest cattle ranges in the mountains. The

waters of the creek flowing naturally along its summit down its eastern slope to the Big Hole river, are carried by ditches and races over its western slope, for mining purposes, into the beautiful valley of the Deer Lodge, thus contributing to swell on the one side the volume of the Missouri, and on the other, that of the Columbia. The broad savannas which spread away on either side of this remarkable passage lend enchantment to a shifting and ever-varying scene of mountain beauties not excelled upon the continent.

Just before daylight, Broadwater began to descend the declivity at whose foot flowed one of the forming streams of the Deer Lodge river. Glimpses of the valley could be obtained at every bend in the tortuous road. Day was just breaking, and the perpetual snow on the distant peak of Mount Powell shone dimly through the haze. He was congratulating himself that the dangers of his trip were over, and he could complete it by a leisurely ride through one of the most delightful valleys in the world. These thoughts received a sudden check when, turning an abrupt angle in the road, he saw seated by a camp fire, the very persons, as he then felt, against whom Moore had warned him. One of them, George Ives, was regarded as the most daring ruffian in the moun-

tains; the other, Johnny Cooper, was known to be one of his chosen associates. They manifested great surprise at his approach. The quick eye of Broadwater took in all the advantages of the situation. He saw their horses feeding upon the foot-hills, two or three miles away, and knew if he had been expected so soon, they would have been saddled and ready for pursuit. They hailed him as he passed, urged him to wait until they could get their horses, and they would accompany him, telling him that as the road agents were abroad, it would be safer for him to do so. He replied that he was in a hurry, and as his horse was jaded with travel, they would soon overtake him, — and rode slowly on. To allay suspicion, he alighted from his horse and led him slowly up a steep hill, looking back when under way to the top, and calling to them, —

"Get up your horses: you can overtake me over the hill."

The horse, which was greatly fatigued, was favored by this device. Broadwater felt all the peril of his situation, and knew that nothing but coolness and decision could save him. He was twenty miles from the second crossing of the Deer Lodge, where a Frenchman by the name of David Contway, was living with his Indian wife, prepar-

ing to take up a ranche. This was the nearest place of safety. Casting another glance at the freebooters, he saw, as he passed over the summit of the hill, that they were making active preparations to pursue him. There was no time to be lost. It was to be a race for life, and his chances for escape depended upon the advantage he could win during the brief period his pursuers would require in getting ready to start. As soon as he was lost to their sight he remounted his horse, and, spurring him to his utmost speed, descended into the broad and open valley. His course now lay over a level plain denuded of trees, and rank with prairie vegetation. Every movement he made within any attainable distance, he knew would be seen by the men who were on his track. The clumps of willow which defined the course of the river were too small to afford even temporary shelter. His horse, liable at any moment to give out, obeyed the urgency of the occasion, under whip and spur, with great reluctance. But his rider kept him up to his speed, more than once inclined to diverge from the trail toward the pine forest, which covered the foot-hills, four or five miles distant, on either side of the valley, and seek a covert there. When half the distance had been travelled, he looked back, and amid a cloud

of dust, less than three miles away, he saw the robbers in full pursuit, seemingly gaining rapidly upon him. His poor, panting steed, whose sides were bleeding from the frequent lacerations of the spur, seemed on the point of exhaustion, and the thirty pounds of gold dust strapped to his person bore with terrible weight upon him. But there was no time to calculate any other chance for escape, than that of reaching the goal. On and on he spurred the jaded animal, often casting furtive glances back at the approaching death, and expecting at every turn in the trail, to feel the fatal bullet. At length the little lodge of Contway peered above the willows. The horse renewed his vigor at the sight. The hurrying tramp of the pursuers was heard in the rear. A last and desperate effort was made to urge the horse to greater speed, and he dashed up to the door, falling, on his arrival, with complete exhaustion. He was ruined, — but he had saved the life of his master. Ives and Cooper, less than fifty rods behind, reined their horses to a walk, and rode slowly up, while Broadwater was removing the saddle from his broken-down animal. Their horses were foaming with perspiration.

"Well, you beat us on the ride," said Ives, addressing Broadwater.

"Yes," replied Broadwater: "you must have had trouble in catching your horses. I travelled slowly at first, but as you didn't come up, and I was anxious to get through, I afterwards hurried."

The coolness of this colloquy betrayed to neither party what was passing in the mind of the other.

The horses were all turned out upon the adjacent hills, and the three men shared alike the hospitality of Contway. But the race was only half finished. Twenty miles of distance intervened between Contway's and Deer Lodge, and how to pass over it, and escape with life, was the momentous question for Broadwater to solve. As a measurement of wit between himself and the ruffians, it involved consequences too important for any pride in the strife. It was simply a matter of life or death with him, with the added certainty that the smallest mistake in his calculations would end in the latter. He knew that in Contway's herd was one of the fleetest horses in the Territory. Unobserved by his pursuers, he contrived to inform Contway of his situation, and found him ready to assist in his escape, by all means in his power.

"Go and saddle Charley," said Broadwater, "and bring him up, on the pretence that you are

going after your cows. Do it immediately; and after he is hitched, I will ask you, in the presence of these men, for permission to ride him to Deer Lodge. With your assent, reluctantly given, I will mount and ride away, while their horses are grazing on the foot-hills."

"Zat is all ver' goot," replied Contway. "By Gar, you have got him fixed all right:" — and away he went, returning in a quarter of an hour, mounted on a horse of great strength and beauty. Hitching him to a post in front of his lodge, he made the remark that his cows had been missing for a day or two, and he must go in pursuit of them.

"Ho! Contway," said Broadwater, "that is the very horse I want to complete my trip. My own is broken down, and I will leave him in your care, and return this one to you by the first opportunity."

"By Gar, I don't know," replied Contway: "zat horse is great favorite. I would not have him hurt for anything."

"But I'll pay you well," said Broadwater. "I'm in a great hurry to get home. Let me take him, — that's a good fellow. If I hurt him, I'll pay you your own price."

"You say zat here, before zese men. Zey will

remember, and on zose conditions you may take ze horse."

It was but the work of a moment for Broadwater to change saddles and mount.

"Hold on, Broad," said Ives. "This is no way to leave a fellow. Wait till we get up our horses, and we'll all ride on together. It'll be more sociable."

"Should be glad to do so, George, but it is of the utmost importance that I reach Deer Lodge as soon as possible. I cannot wait; but if you will get up your horses, and ride fast enough, you'll overtake me."

So saying, Broadwater put spurs to his horse, and rode the twenty miles at a double-quick pace, arriving at Deer Lodge a little after two o'clock, completing the entire trip of one hundred and seven miles from Bannack to Deer Lodge, including stoppages, in eighteen hours. Ives and Cooper, finding themselves outwitted, followed leisurely, arriving early in the evening.

CHAPTER XXII.

ORGANIZATION OF THE ROUGHS.

PLUMMER'S SKILL WITH HIS LEFT HAND — SELECTS PHLEGER FOR A VICTIM — FAILS TO EMBROIL HIM IN A QUARREL — ELLIS THREATENED — ESCAPES TO THE MISSOURI — PLUMMER AND JUDGE DANCE — PLUMMER ROBS DAVENPORT — INDIFFERENCE OF THE MINERS — THOROUGH ORGANIZATION OF THE ROUGHS — DEPREDATIONS IN TOWN — QUARREL BETWEEN BANFIELD AND SAPP — DEATH OF CARRHART — MOORE'S INTERFERENCE AND RECKLESSNESS — CONTEMPLATED ATTACK UPON WINNEMUCK'S BAND — RESCUE OF A WHITE CAPTIVE FROM THE INDIANS — BUCK STINSON'S BARBAROUS MURDER OF "OLD SNAG," A BANNACK CHIEF.

WHILE recovering from his wound, Plummer, by constant practice, had acquired an expertness in the use of the pistol with his left hand, nearly equal to that of which Crawford's shot had deprived him. Crawford being out of his way, he was not satisfied that the quarrel which had terminated so injuriously to him should be propitiated without redress. He accordingly selected

Phleger for a victim. With every outward demonstration of friendship, he would, whenever they met, press him to drink, or to an interchange of such other civilities as would bring them together, and afford opportunity or pretence for sudden quarrel. Phleger never accepted any of these invitations, without his hand upon his pistol. Plummer, often when in company with Phleger, would make an ostentatious display of his regard for him. "Once," said he, "Harry, I would have killed you; but I could not now, when I think matters all over, find it in my nature to injure any true man, who would stand by another as you did by Crawford." Phleger could not be flattered by these honeyed words, even into momentary forgetfulness of the diabolical motives which prompted them. He maintained a quiet but unmistakable attitude of defence. He was freighting at this time, and had several teamsters in his employ.

"If," said he to them, "Plummer or any of his associates come for me, and I make the first shot and you fail to make the second, I'll shoot you. Just remember that."

On one occasion, Plummer, as if for an excuse to draw his pistol, commenced talking of its merits to Phleger, who also drew his upon the

instant. In the course of the conversation, Plummer, while illustrating some quality of the weapon, pointed it directly at Phleger; but when he saw the muzzle of Phleger's at the same moment directed at his heart, he took the hint, sheathed his pistol, and departed. Phleger was not afterwards troubled with his attentions.

A miner by the name of Ellis, who had given important testimony against Moore and Reeves, by whom he was wounded in the *mêlée* which resulted in the death of Cazette, was next singled out for slaughter. He owned a mining claim in the gulch, which he was working with the hope of speedily acquiring means to take him from the country. Cyrus Skinner, a noted ruffian, assaulted him while on his way to the claim, and beat him unmercifully. He left him with the assurance that if he ever saw him in the town he would kill him. Through fear that he or some of his associates would execute this threat, he used to steal out of his cabin and go to his work by an old game trail over the spur of the mountain, to escape observation. But his steps were dogged. He could not move in any direction without a rough upon his track, watching for an opportunity to shoot him. His life was rendered miserable by the conviction that he was liable at

any moment to secret assassination. Resolved to escape if possible, he left for Fort Benton. The roughs soon discovered his absence, and sent three or four of their number in pursuit of him. He foiled them by turning from the main trail into an unexplored region. After several days he reached the Missouri river below Benton, where he constructed a wigwam in which he dwelt, subsisting upon roots, berries, and the remnants of his provisions, until the Mackinaw boats descended the river from Fort Benton in the spring. Hailing one of them he was taken on board, and returned in safety to the States.

The writer of this history was early marked for summary retaliation. I had disappointed the expectations of the roughs at the trial of Moore and Reeves, by voting for the death penalty, after having supported their demand for a jury. They made no secret of their threats against my life, and that of my friend, Judge Walter B. Dance. We never went to our claims without a loaded gun and a revolver. Dance, being a man of great physical strength, and courage to match, was not one to be easily frightened. In personal contest he would have proved more than a match for the strongest of his enemies. On one occasion, when Judge Dance and I were quietly walking down

the street, we saw Plummer approaching. Dance drew a small bowie-knife, and picking up a stick, commenced whittling. Plummer came up, and casting a suspicious glance at the knife, asked, —

"Judge, why do you always begin to whittle when you meet me?"

The answer, accompanied by a look of blended sternness and indignation, came promptly, —

"Because, sir, I never intend that you shall get the advantage of me. You know my opinion of you and your friends. I will not be shot down like a dog by any of you, if I can help it."

The roughs held Dance in great fear. To those qualities I have mentioned, he added remarkable force of character. He was bold and fearless in his expression of opinion, and they well understood that no man in the settlement could wield a stronger influence over the minds of the community, in support of law and order, and the prompt punishment of crime.

Moore and Reeves had now returned. The storm of indignation which had driven them out, was succeeded by a calm of sluggish incertitude. The prominent actors in that event, abandoned by those upon whose support they had depended, were obliged to protect themselves as best they

JUDGE WALTER B. DANCE.
Miners' Judge at Bannack.

could against the persecutions and bloody designs of their vindictive enemies. No true spirit of reform had yet animated the people. When appealed to for combination and resistance to the fearful power now growing into an absolute and bloody dictatorship, they based their refusal upon selfish and personal considerations. They could not act without endangering their lives. They intended to leave the country as soon as their claims were worked out. They would be driven from their claims, and robbed of all they had taken from them, if they engaged in any active opposition to the roughs; whereas, if they remained passive, and attended to their own business, there was a chance for them to take their money back to their families. It was impossible to assemble a meeting for the purpose of considering and discussing with safety, the condition and exposure of the people.

Meantime the roughs were thoroughly organized, and were carrying out their plans for wholesale plunder in every direction. Every day added to the number and magnitude of their depredations. The Walla Walla express had been robbed, as it afterwards appeared, by Plummer's direction. An attempt to rob the store of Higgins and Worden at Missoula would have succeeded, had

not the merchants been apprised of it, in time to conceal their gold.

A man by the name of Davenport, who, it was known to the roughs, had a little money in Bannack, left with his wife, intending to go to Benton, and thence by steamboat to the States. They stopped to lunch at the springs between Bannack and Rattlesnake. A man whose face was concealed, came from behind a pile of rocks standing near, drew a revolver, and presenting it, demanded their money. Mrs. Davenport asked, —

"Who are you?"

He replied, "The Robber of the Glen."

"Oh!" she said inquiringly, "are you Johnny Glenn?"

"No," he answered. "I'm the Robber of the Glen, and want your money."

Mrs. Davenport surrendered the three purses containing the money, together with her gold watch, remarking as she did so, that two of the purses and the watch belonged to her. With much gallantry of manner the robber restored them to her immediately, retaining only the single purse belonging to her husband. The plundered couple then proceeded to Benton, and Mrs. Davenport secured an early passage to the States. They never knew who the robber was.

While confined with his wound, Plummer repeatedly asked permission of Doctor Glick to take a ride on horseback. The necessity for quiet while the wound was healing obliged the doctor invariably to refuse him. One morning he called as usual to see how the cure was progressing, and Plummer was not at home. The doctor supposed he had gone out into the town, and at a later hour called, and, on examination of the wound, was satisfied that he had been taking violent exercise. On questioning him, Plummer, who knew that the doctor dared not betray him, told him of the robbery of Davenport, which he had that day committed.

The robbers next broke into and rifled a bakery belonging to one Le Grau, a Frenchman, who lived on a back street in Bannack. Preparations were made for burning the house, but the design was not carried out.

While atrocities like these were daily increasing, a reign of terror more fearful in character and results pervaded the settlement. Every man's life was endangered by the free and reckless use of fire-arms. The crack of pistols and guns, which weapons were always the first resort of the roughs in settling disputes, was heard at all hours of the day and night, in the saloon and restaurant.

Frequent and bloody affrays among themselves, often terminated in the death of one or both of the parties engaged, and sometimes of one or more of those who happened to be within range of the reckless firing while the quarrel was in progress. It was dangerous to pass along the streets, where stray bullets were not an exception, more dangerous still to attempt to allay a broil among desperadoes, who settled all difficulties with bowie-knives and revolvers.

On one of the days of this dismal period, two young men, named Banfield and Sapp, the first a gambler, the latter a miner, engaged in a game of poker in Cyrus Skinner's saloon. During the game, Sapp saw Banfield abstract a card from the deck, by the aid of which he was enabled to declare a "flush" hand. He charged him with the theft. Jumping to his feet, Banfield drew his revolver, which he levelled at the head of his antagonist, who was unarmed. Jack Russell, who was watching the game, now interfered, and quiet being restored, the men resumed play. In a few moments Sapp again charged Banfield with cheating. Banfield fired at him without effect. Sapp being unarmed, Dr. Bissell thrust a revolver into his hand, and the two men at once engaged in a pistol fight, dodging around the posts which sup-

ported the roof, and firing at random until their revolvers were emptied. They then clinched, and Russell tried to separate them. Moore and Reeves were in one of the bunks fastened to the wall of the saloon, asleep. Roused by the firing both got up, and Moore, pistol in hand, at once joined in the fight. Placing the muzzle of his revolver in Russell's ear, he pulled the trigger, and the cap failing to explode, he pulled a second time, with a like result. So rapid had been the movements of Moore, that it was not until after the second failure that Russell could turn his face toward him and exclaim, —

"What do you mean?"

Moore, who had not recognized him until that moment, dropped his arm, replying, —

"Oh, is that you, Jack?"

Russell said in explanation, —

"These are friends of mine, and I want them to stop quarrelling."

Moore now assisted Russell, and they succeeded in a few minutes in separating the combatants.

"Let's all take a drink," said Moore, "and be friends."

To this Sapp and Banfield, as neither had injured the other, assented. As they stood with their glasses raised, Moore heard a groan, and

going towards the table, saw Buz Cavan's dog just expiring.

"Boys," said he, turning towards the two reconciled men who were waiting for him to rejoin them at the bar, "you've killed a dog."

Banfield called immediately for more drinks, when another groan was heard. On going to the bunk from whence it came, they found George Carrhart writhing in extreme agony. Dr. Bissell lifted him from the bunk to the table, and after a brief examination of his body and pulse, made the announcement, —

"He is dying."

Moore who stood by, on hearing this, called to Reeves and Forbes who were standing in another part of the room, —

"Boys, they have shot Carrhart," and with an emphatic stroke of his fist upon the counter, he added with an oath, —

"Let's kill 'em," simultaneously raising his pistol and firing at both Sapp and Banfield. Russell at the moment seized his arm, with a view to prevent his shooting, and in the struggle misdirected his aim. Meanwhile, Reeves fired at Banfield, who dodged under a table and crept out of the back door with a shot in his knee. Sapp, wounded in the little finger, also retreated under

the fire of the road agents, — a friend, Goliah Reilly, rushing to his assistance, who also, upon turning to escape, received a bullet in his heel.

George Carrhart was a fine-looking, intelligent, gentlemanly man. He had been a member of the legislature of one of the Western States. Whiskey transformed him into a rowdy, made the company of ruffians congenial, and led him on to his unfortunate fate.

Dick Sapp was a brave, generous young man, and very popular with the people. The next morning, accompanied by several Colorado friends, he returned to Skinner's saloon. Skinner, who had seconded without participating in the attempt of Moore and Reeves to kill him the evening before, when he saw him enter, was alarmed for his own safety, and sought to propitiate him by inviting him and his friends to drink with him.

"No," said Sapp, "I want none of your whiskey. Last night I came here unarmed to indulge in a little game of poker, and you all tried to kill me. Now I'm here to fight you all, singly, and I've brought some friends, to see that I have fair play."

Moore and Skinner apologized, and begged him to overlook it; but Sapp refused to accept their

apologies, and left. Afterwards some friends of Moore and Skinner, at their request, went to Sapp, and with no little difficulty effected a reconciliation.

Poor Banfield intrusted the care of his wound to an unskilful physician, and died soon after, for the want of proper treatment.

Early in the spring of 1863, Winnemuck, a warrior chief of the Bannacks, and his band of braves, camped in the sage brush above the town. One of the citizens of Bannack made known the fact that he had been informed by a white lad, whom he had met at the time of his escape from these Indians several years before, that they had slain his parents, and captured two sisters and himself. The elder of the sisters died of harsh treatment. A white girl who had been seen in Winnemuck's band, was supposed to be the other. A few citizens met at my cabin to devise means for her ransom, as any attempt at forcible rescue would provoke the Indians to violence. Skinner called the roughs together at his saloon. They decided that the circumstances were sufficiently aggravating to justify the slaughter of the band, and made preparations for that object. Meantime a half-breed apprised Winnemuck of his danger. Nowise alarmed, the old chief ranged

his three hundred warriors along the valley, where they could command the approach of an enemy, however formidable. So confident was he of victory in the threatened encounter, that he promised to follow it up by a general massacre of every white person in the gulch. Fortunately at this time, whiskey came to the rescue. The leaders got drunk, the allied citizens were disgusted, and a murderous enterprise that would probably have cost many lives, was abandoned. In pursuance of the arrangements first made at the meeting in my cabin, Mr. Carroll, for a very small consideration, effected the ransom of the little girl, and took her to his cabin.

The inadequacy of the price roused in all a suspicion that the Indians intended to recapture the child. Carroll was enjoined to secrete her against such a possibility. The Indians loitered around his cabin, and finally made an attempt to carry her off. An alarm was given, the citizens and roughs rallied, the Indians released the child, and ran to escape the attack of the citizens. In the *mêlée*, Hayes Lyons, one of the roughs, fired at and wounded an Indian who was on the retreat, and who at the time was shouting "good Indian," to intimate his friendly disposition. "Old Snag," a Bannack chief, who had come with his band

into town a few days before, and who when the alarm was given was in Carroll's cabin, now came out, and was talking with his daughter, when Buck Stinson, another of the ruffian gang, without the least intimation of his design, walked close beside him, and shot him in the side and head. The old man, who had always been friendly to the people, fell dead in his tracks; and Skinner, with savage brutality, came up and scalped him.

CHAPTER XXIII.

A MASONIC FUNERAL.

PEOPLE SPELLBOUND—DEATH OF WM. H. BELL — MEETING OF THE MASONS — MASONIC FUNERAL — MASONIC GATHERINGS — WATCH OF THE ROUGHS — PLUMMER ELECTED SHERIFF — HIS MARRIAGE WITH MISS ELIZA BRYAN — HIS CONVERSATION WITH THE WRITER — REASONS FOR DOUBTING HIS SINCERITY — LIFE IN BANNACK.

HAD it been possible at any time during the period I have passed under review, for the peaceable citizens of Bannack to return to their old homes in safety, such was the terror that environed them, I doubt not that nearly all would joyfully have gone. The opportunity for speedy accumulation of fortune from a prolific gold placer, offered small compensation for the daily risk of life in obtaining it, and the possibility of ultimate destruction to the entire settlement. The people were spellbound, and knew not what to do. They assented almost passively to the belief that the ruffian population, when disposed, was strong enough to crush them; and when a

murder was committed, or a robbery made, expressed no stronger feeling than that of thankfulness for their own escape.

While public sentiment was gradually settling down into a state of helpless submission to the ruffian element, William H. Bell, a respected citizen, died of mountain fever. This was the first natural death that had occurred in the settlement. After his illness had assumed a dangerous form, he made known to myself and others, that he was a Mason, and expressed a desire to be buried with Masonic ceremonies. At first we deemed it impossible, but after his death, concluded to comply with his request, if a sufficient number of Masons could be assembled to conduct the exercises. A request for all the Masons in the gulch to meet on Yankee Flat at the cabin of Brother C. J. Miller, on the evening of the day of Mr. Bell's death, greatly to our surprise, was so numerously responded to, that we found it necessary to adjourn to more commodious quarters. It was past midnight before the forms of recognition were fully administered, and preparations completed for the funeral. So delighted were all to meet so many of the order, that before we separated it was virtually understood that early application should be made for authority to

open a lodge. In the mean time, we agreed to hold frequent meetings.

The funeral ceremonies, the next day, were conducted by myself. The strange peculiarities of the occasion added a mournful interest to the impressive truths of the ritual. A large congregation had assembled. Near by, and surrounding the grave, stood the little band of brethren, linked by an indissoluble bond to him for whom they were now performing the last sad office. With clasped hands and uncovered heads they reverently listened to the solemn language which in that far-off land committed one of their number to his mother earth; while farther away, and encircling them, stood a curious multitude, whose eager gaze betrayed that they there for the first time beheld a Masonic burial ceremony. Among this latter number might be seen many whose daily lives were filled with deeds of violence and crime, — who mayhap at the moment might be meditating murder and robbery, — who, for the first time in many years, were listening to language which recalled the innocence of boyhood, the early teachings of parents, and hopefully pointed the way to an eternity of unmixed enjoyment. How strange it seemed to see this large assemblage, all armed with revolvers and bowie-knives, standing silently,

respectfully, around the grave of a stranger, their very features, — distorted by the lines which their hardened lives had planted, — now saddened by a momentary fleeting thought of the grave and immortality.

Nor was this all. They learned from what they saw, that here was an association, bound together by bonds of brotherly love, that would stand by and protect all its members in the hour of danger. They saw the scroll deposited which signified so plainly, that death alone could break a link in the mystic chain which bound them together. They saw each brother drop the evergreen as a symbol of the surrender of him they mourned, to the eternal care of a higher power. And while the brethren, as they regarded each other in the light of their strong obligations, felt that in themselves there was a power equal to the necessities of their exposed condition, we may reasonably suppose that the ruffians who had marked them for ultimate destruction felt that a new and formidable adversary had thrown itself across their bloody pathway.

The ceremonies were conducted to a peaceful conclusion, and the assembly quietly dispersed. But from this time onward, the Masons met often for counsel. Among them there was no lack of

confidence, and very soon they began to consider measures necessary for their protection. These meetings were carefully watched by the roughs, but they were quietly told that the Masons met to prepare for organizing a lodge. This threw them off their guard, and they continued in their lawless course.

After the Masonic fraternity at Bannack had decided to organize a regular lodge, and a dispensation for that purpose had been applied for, Plummer expressed publicly a strong desire to become a Mason. Such were his persuasive powers, that he succeeded in convincing some members of the order, that in all his affrays, he had been actuated solely by the principle of self-defence, and that there was nothing inherently criminal in his nature. There were not wanting several good men among our brotherhood, who would have recommended him for initiation.

It is a remarkable fact that the roughs were restrained by their fear of the Masonic fraternity, from attacking its individual members. Of the one hundred and two persons murdered by Henry Plummer's gang, not one was a Mason.

It is worthy of comment that every Mason in these trying hours adhered steadfastly to his principles. Neither poverty, persuasion, tempta-

tion, nor opportunity had the effect to shake a single faith founded on Masonic principle: and it is the crowning glory of our order, that not one of all that band of desperadoes who expiated a life of crime upon the scaffold, had ever crossed the threshold of a lodge-room. The irregularities of their lives, their love of crime, and their recklessness of law, originated in the evil associations and corrupt influences of a society over which neither Masonry nor Religion had ever exercised the least control. The retribution which finally overtook them had its origin in principles traceable to that stalwart morality which is ever the offspring of Masonic and Religious institutions. All true men then lived upon the square, and in a condition of mutual dependence.

Many persons who had been cooped up in Bannack, with nothing to do during the winter, sallied forth in quest of new discoveries as soon as the snow disappeared, in the spring of 1863. A number of new gulches were found, and the population of Bannack thinned out considerably under the inducements they offered for the improvement of fortunes. All these newly discovered placers were, however, known by the general name of East Bannack, the prefix being used to distinguish the locality from West Bannack, a

mining camp in that portion of Idaho lying west of the main range of the Rocky Mountains. As rapidly as any of these new camps were settled, the miners adopted laws for their government, and elected judges to enforce them. No sheriff had, however, been elected to fill the place of Crawford. The miners held a meeting at which they concluded to elect one sheriff who should reside at Bannack, and appoint his deputies for the new locations. A day for the election was accordingly designated.

Plummer busied himself among the miners to obtain the nomination, and as an evidence not less of the unsteady purpose of this population than of the personal magnetism of this remarkable man, he succeeded. Men, who a few weeks before were clamorous for his execution as a murderer, deceived by the plausibility of his professions, and the smoothness of his eloquence, were now equally urgent for his election to the most important office in the settlement. Such of the number as were unwilling to support him, nominated a good man by the name of Jefferson Durley, but the majority for Plummer, decided the election largely in his favor. A marked change immediately took place in his conduct. Soon after he was married to Miss Eliza Bryan, the

young lady with whom, as I have related in a former chapter, he contracted an engagement while spending the winter with her brother-in-law, Mr. Vail, at the government farm on Sun river. Whether he honestly intended to reform at this time, or "assumed the thing he was not" for the better concealment of his criminal designs, can never be certainly known. There was much apparent sincerity in his conduct and professions. He forsook the saloons, and was seldom seen in the society of his old associates. His duties were promptly attended to. On one occasion in a conversation with me, of his own seeking, he spoke regretfully of his early life: —

"I confess," said he, "that the bad associations which I formed in California and Nevada have adhered to me ever since. I was forced in sheer self-defence on different occasions, to kill five men there — and of course was undeservedly denounced as a desperado and murderer. This is not true, — and now that I am married and have something to live for, and hold an official position, I will show you that I can be a good man among good men. There is a new life before me, and I want you to believe that I am not unfitted to fill it with credit to myself, and benefit to the community."

As he stood thus, in a beseeching voice pleading for some abatement of the harsh judgment which he knew his conduct merited, it was not without an effort that I mentally denied to him that confidence so truly characterized by Pitt in his memorable reply to Walpole, as "a plant of slow growth." Very soon after, the justice of this opinion was confirmed by an undercurrent of circumstances, which plainly showed that he was either drifting back into the whirlpool of crime, or had assumed the guise of virtue that he might better serve the devil. His face, usually clear and white, betrayed in its weatherbeaten appearance, that several times when there was no occasion for it, he had been exposed to the inclemencies of a fearful night storm. Where had he been? What was the character of that business which could woo him from his home, to face the angry elements, and require his return and appearance on the street by daylight? At one time, having occasion to go to the ranche where my horse was kept, I saw there a very superior saddle-horse. Having never seen it before, on inquiry, I was informed that it belonged to Plummer, who often visited the ranche to exercise it; but never rode it into town, or used it for any long journey. It was represented to possess greater qualities of

speed and endurance than any horse in the country. Why was he keeping this horse, unused, and away from the public view, if not for the purpose of escaping from the country in case of failure in his criminal enterprise? Many other circumstances, equally demonstrative as to the designs which Plummer was secretly carrying on, satisfied me that I had not misjudged his true character.

Life in Bannack at this time was perfect isolation from the rest of the world. Napoleon was not more of an exile on St. Helena, than the newly arrived immigrant from the States, in this recess of rocks and mountains. All the stirring battles of the season of 1862, — Antietam, Fredericksburg and Second Bull Run, — all the exciting debates of Congress, and the more exciting combats at sea, first became known to us on the arrival of the first newspapers and letters, in the spring of 1863. Old newspapers went the rounds of the camp until they literally dropped to pieces. Pamphlets, cheap publications, and yellow-covered literature, which had found their way by chance into the camp, were in constant and unceasing demand. Bibles, of which there were a few copies, were read by men who probably never read them before, to while away the tedium of the

dreary days of winter. Of other books there were none then, nor for a year or more afterwards. Euchre, old sledge, poker, and cribbage were resorted to until they became stale, flat, and disgusting. When, afterwards, the first small library was brought into the Territory, the owner was at once overwhelmed with borrowers, who, after reading, loaned his books without leave, until the loss or destruction of many of them, drove him to the adoption of means for the preservation of the remainder. He placarded over his library, where all could read it, the following passage from Matthew xxv. 9; "Not so; lest there be not enough for us and you; but go ye rather to them that sell, and buy for yourselves." This gentle hint served better as a joke than an admonition.

As a counterpoise to this condition of affairs, the new-comer found much in the rough, wild scenery, the habits, customs, and dress of the miners, and in the pursuits of the camp, to interest his attention. There was a freedom in mountain life entirely new to him. The common forms of expression, rough, unique, and full of significance, were such as he had never been accustomed to hear. The spirit of a humor full of fun, displaying itself practically on all occa-

sions, often at his own expense, presented so many new phases of character, that he was seldom at a loss for agreeable pastime, or indeed profitable occupation.

The wit of a mining camp is *sui generis*. It partakes of the occupation, and grows out of it as naturally as the necessities. Indeed, it is of itself a necessity, — for the instance of a miner without humor or a relish for it, if it be of the appreciable kind, is very rare. One must be versed in the idiom of the camp to always understand it. As for example, if, in speaking of another, a miner says, "I have panned that fellow out and couldn't get a color," it means the same as if he had said, "He's a man of no principle, dishonest, or a scamp." So if of another, he says, "He's all right, clear down to bed-rock," it means, "He is honest and reliable." A hundred expressions of this kind are in common use in a mining camp. Common parlance has long ago wrung the humor from all these oddities of expression; but every now and then something new springs up which has its run through mining communities as a bit of fun, before its final incorporation into the epidemic vernacular.

It occasionally happens that a genuine loafer turns up. This is not common; for a man with-

out money or employment among miners, especially if he evinces an indisposition for work, is a pitiable object. Nobody cares for him. His very necessities are subjects for ribaldry, and his laziness affords ample excuse for a neglect which may end in absolute starvation. There is no lack of kindness among miners, — their generosity is only bounded by their means in meritorious cases, but it is cruelly discriminative against bummers and loafers. They must live by their wits, — and sometimes this resource is available.

A singular genius known as "Slippery Joe," whose character reflected the twofold qualities of bummer and loafer, hung around the saloons and restaurants in the early days of Bannack. He worked when compelled by necessity, and was never known to buy "a square meal." One evening he was an on-looker at a party of miners who were playing euchre in Kustar's bakery. Their frequent potations, as was often the case, developing first noise, then dispute, then quarrel, finally culminated in a fight and general row. Pistols and knives were drawn, one man was badly stabbed, and several shots fired. The bystanders stampeded through the door and into the street, to avoid injury. One man was prostrate, and another bent over him, with an upraised knife.

Kustar and his bartender were engaged in quelling the *mêlée.* Seizing this opportunity, Bummer stole behind the counter, and taking a couple of pies from the shelf, mashed them out of shape with his knuckles, and laid them, still in the tin plates, on the floor near the combatants. He did not dare to steal the pies, knowing that detection would result in his banishment from the gulch. Kustar, discovering them after the fight was over, supposed from the appearance they presented, that they had been jarred from the shelf and trodden upon. He was about casting them into the street, when Bummer stepped forward, and offered twenty-five cents for them, pies at the time being sold at a dollar apiece. Glad to sell them at any price, Kustar regarded the quarter of a dollar as clear gain, and the sneak owed his supper to his criminal ingenuity.

This same slippery individual was the hero of another foraging exploit, which, however we may regard it in a moral aspect, was not discreditable to his strategic perspicacity. Two partners in a mining claim had quarrelled, fought, and so far reconciled differences, as to agree to live together. One day a load of potatoes, the first that we had had for eight months, and a great luxury at sixty cents per pound, arrived from the Bitter Root

valley. The two miners bought several pounds, and agreed upon having a holiday, with an old-fashioned stew for dinner at three o'clock P.M. Bummer had epicurean tastes, and longed for a dish of the stew. He stationed himself near the door of the cabin. Just after it was taken from the pan, and placed, steaming hot, between the partners, and one was in the act of slicing the loaf, Bummer entered, and with much adroitness introduced the subject of former difference. This brought on a dispute, and the two men rose from the table and rushed into the street to engage in a fist fight. While thus employed, Bummer made a single meal of the entire stew.

In the early days of gold hunting in California, many young men of religious proclivities, who had been reared by Christian parents, went there to make speedy fortunes and return home. Failing to do so, unwilling to work, and still intent upon suddenly acquiring wealth, they have wandered from camp to camp among the mountains ever since. These mining vagabonds are often met with. Their lives have been full of vicissitude and disappointment, and nature has covered them with signs and labels, which render their character unmistakable. Lost to all self-respect, ragged, uncombed, often covered with

vermin, they seem to have no definite object in life, and are content to earn enough to eke out a meagre subsistence. Sometimes we meet with one, who betrays in the glow of conversation, the remains of a cultivated foreground; but generally the slang of the camp and the rough manners of the miner have wrought a radical transformation in both mind and body.

Such an one was Bill — with whom I first became acquainted in 1863. Passing Mather's saloon, one day in the fall of 1872, I caught a glimpse of him, and stepped in to renew my acquaintance. He stood by the bar talking with a friend whom he had known at Boise City, Idaho, in 1862. The conversation had reference to those early days.

"Jim," he inquired, "when did you hear of Yeast Powder Dave last?" A little farther on in the conversation, after taking a drink, Jim inquired in return, "Whatever became of Tin Cup Joe?" then the conversation flagging, another drink was indulged, and the inquiry followed, "How late have you heard where Six Toed Pete hangs out?" At last Bill, fully warmed up to the subject, remarked, —

"Jim, you haven't forgot the parson, have you?"

"Parson who?" inquired Jim dubiously.

"Parson Crib — you know."

At the mention of the name, tears came into the eyes of both. It was evident the memory of the man was very pleasant. Bill continued, —

"Jim, they don't have no such preachers nowadays as the parson was. These new-comers, most of 'em feel above us 'cause we wear ragged clothes, and then they are so slow and lamb-like, that their talks have little effect on such fellows as you and me; but the old parson used to rattle up the boys every clatter, and when he'd got through they'd think their chances of salvation were mighty slim. And he was such a good man, so charitable and so kind — and how beautifully and eloquently he would explain the Christian religion as he talked to us of our duties to the Master. He was a real good man. There ain't many like him." Brushing a tear from his cheek, he added sorrowfully, "Jim, do you know I never did quite forgive Sam Jones, for shooting the parson, for stealing that sorrel mare."

It must have been a warm affection which would fail to approve of an act regarded so just as shooting or hanging for "cribbing" a horse in a mining camp. The parson is supposed to have held forth near Boise City.

Those of my readers who resided in Bannack at the time, doubtless remember the "Miners' Ten Commandments," written copies of which were circulated freely throughout the camp. I recall two of them. If the first one here given, serves to illustrate the prevailing customs of a mining camp, the other contains a warning which the dishonest and covetous did not fail to heed.

FOURTH COMMANDMENT. Thou shalt not remember what thy friends do at home on the Sabbath day, lest the remembrance may not compare favorably with what thou doest. Six days thou mayst dig or pick all that thy body can stand under; but the other day is Sunday, when thou shalt wash all thy soiled shirts, darn all thy stockings, tap all thy boots, mend all thy clothing, chop all thy whole week's firewood, make up and bake thy bread, and boil thy pork and thy beans, that thou wait not when thou returnest from thy long tour, weary. For in six days' labor only, thou canst not wear out thy body in two whole years; but if thou workest hard on Sunday also, thou canst do it in six months, and thou, and thy son, and thy daughter, thy male friend, and thy female friend, thy morals, and thy conscience, be none the better for it, but reproach thee shouldst thou ever return with thy worn-out body to thy mother's fireside, and thou strive to justify thyself, because the trader and the merchant, the carpenter and the blacksmith, the tailors and the Jews, defy God and civilization, by keeping not the Sabbath day, and wish not for a day of rest such as memory and home and youth made hallowed.

NINTH COMMANDMENT. Thou shalt not tell any false tales about "good diggings in the mountains" to thy neighbor, that thou mayst benefit thy friend who hath mules and provisions and blankets and mining tools he cannot sell; lest in deceiving thy neighbor, when he returneth through the snow with naught save his rifle, he presenteth thee with the contents thereof, and like a dog thou shalt fall down and die.

GENERAL P. E. CONNOR,
Commander at Battle of Bear River.

CHAPTER XXIV.

BATTLE OF BEAR RIVER.

INDIAN TROUBLES — BATTLE OF GENERAL CONNOR WITH THE BANNACKS — OBSTINATE RESISTANCE OF THE INDIANS — THEIR DEFEAT — BRAVERY OF OUR TROOPS — EFFECT OF THE VICTORY.

DURING the year preceding the period whereof I write, and in fact from the time of the discovery of the Salmon river mines, nearly every train or single company of emigrants going in that direction was attacked, robbed, the animals belonging to it stolen, and frequently many of the persons composing it slain, by predatory bands of Bannack Indians, which tribe possessed the entire country for a distance of five hundred miles north of Salt Lake. Their rapacity and cruelty had become the great terror of a journey otherwise full of difficulty and discouragement. So frequent and terrible had been this warfare, that nearly all communication between the distant mines and Salt Lake was suspended; yet the wretches who conducted it, conscious of their

superior power, hesitated not, meantime, to visit the settlements, and maintain an apparent friendliness towards the people. Several attacks had been made upon them by detachments of troops from Camp Douglas, attended with more or less success, but none of them had the effect to allay their murderous depredations. Success had made them defiant as well as bloodthirsty, and long impunity begot in them the belief that they were invincible.

When the winter began to close in, rich in the spoils of their bloody forays, a large band of nearly three hundred Bannacks, under their chiefs Sand Pitch, Sag Witch, and Bear Hunter, established quarters for the cold months in a ravine on the west bank of Bear river, about four days' march distant from the federal camp. Gen. P. Edward Connor, the officer in command at Camp Douglas, had carefully watched their movements with the intention of inflicting the severest punishment upon them for the enormities they had committed. The example to be salutary, must be terrible, and Connor contemplated nothing less than the destruction of the entire band. It was a measure of safety. Many thousand people in the States and Territories were engaged in active preparation to make the journey to the

northern mines, on the return of warm weather, and the lives and property of many of them depended, as General Connor knew, upon the success of his contemplated expedition.

The Indians selected their camp because of the protection it afforded from the inclemencies of the weather. The general southwest course of the river was, by a bend, changed so as to be nearly due west where it passed their encampment. The nook or ravine, open on the bank, stretched tortuously between high precipitous banks, north from the river several hundred yards, until lost in the abrupt ascent of a lofty overhanging mountain. Clumps of willows grew irregularly over the surface of the little dell, amid which the Indians pitched their buffalo tents, and fastened their ponies for better protection against wind and snow. Their women and children were with them, and all the conveniences and comforts known to savage life were clustered around them.

Perceiving soon after they took possession of the spot, that it united with its other advantages admirable means of defence against an approaching enemy, they went to work, and improved, by excavation and otherwise, every assailable point, until satisfied that it was perfectly impregnable.

During the occasional visits of their chiefs and head men to the settlements, they had learned and came to believe, that an attack of some kind would be made upon them before spring. They relished the idea as a good joke, and with more than customary bravado declared their readiness to meet it, boldly challenging the whites to come on.

The winter sped on. Colder than usual even in these high latitudes, both Indians and whites felt that if nothing else would prevent an attack, the cold weather was sufficient. General Connor kept his own counsel, but matured his plans with consummate skill. The citizens of Salt Lake, seeing no military preparations in progress, grew restive under the delay, charged the garrison with neglect of duty, and finally appealed to the civil authorities. In the latter days of January, when General Connor's plans were approaching maturity, Chief Justice Kinney issued warrants for the arrest of Sand Pitch, Sag Witch, and Bear Hunter, for murders committed by them on emigrants passing through the Territory. The officer directed to serve these writs, on one of the coldest days of the middle of January, applied to General Connor, at Camp Douglas, for an escort.

"I have an expedition against the Indians in

contemplation," said the general, "which will march soon. You can go under its escort; but as I do not intend to take any prisoners, I cannot tell you whether you will be able to serve your writ or not. My opinion is you will find it difficult."

Whether the intimation conveyed in this closing remark touched the official pride of the marshal, or not, I cannot say. Certain it is that he concluded at once to accompany the expedition, and arrest the accused chiefs.

The Indians were on the watch for an attack, and had their runners out with instructions to bring them the earliest information of an approaching foe. On the morning of the 22d, Captain Samuel N. Hoyt, with forty men of Company K of Infantry, two howitzers, and a train of fifteen baggage wagons, left Camp Douglas with secret orders to march leisurely in the direction of the Indian encampment. The Indian spies, under promise of secrecy, were told by some who assumed to know, that this was the army sent to exterminate the Indians. They carried the intelligence to the Indians, where it excited great derision. The little company marched very slowly, making their roads through the snows of the divides, and were careful to afford the Indian

scouts full opportunity to learn their strength and armament. The chiefs unconcernedly gave orders to their warriors to prepare for a warm reception of the foe, while they visited the settlements. On the morning of the sixth day's march, Captain Hoyt and his men reached the vicinity of the present town of Franklin, within a few hours' march of the Indian stronghold. Bear Hunter, who was there at the time, seeing how few the men were in number, left immediately in high glee, at the prospect of cutting them off the next day.

At midnight that night, after a ride of four nights, one of sixty miles, the others of easier marches, through deep snows and a piercing, bitter wind that nearly disabled a third of the command, Major McGarry, at the head of two hundred cavalry, accompanied by General Connor and his aids, rode into the little camp, and bivouacked with the infantry. The Indians knew nothing of this arrival. So far the plan for their destruction was successful. The troops slept on their arms. Orders were given to the infantry to march an hour after midnight. They were obliged to break their road through the snow, which completely covered the entire region to the depth of one or two feet. The heavy howitzers were dragged through it, over the

unequal surface, with great difficulty, and for the purpose of concealment, kept in the rear. Several hours after the infantry started, the cavalry dashed by them and drew up on the south bank of Bear river before the dawn broke over the Indian camp. The savages were prepared for the attack. The ravine rang with their fearful and defiant howling.

The passage of the river was very difficult. Covered at the bottom to the depth of a foot or more with anchor-ice, its rapid current, too strong for congealment at its surface, was filled with floating masses of ice, whose sharp edges and great weight threatened disaster to every horse which ventured the treacherous passage. But there was no alternative. The troops who had dismounted to load their pistols, now remounted their horses, and led by Majors McGarry and Gallagher, by slow, tedious, and careful effort, succeeded in reaching the northern bank in safety. Before the passage was completed, however, the companies of Captain Price and Lieutenant Chase, which were the first to land, had drawn up in line of battle. Captain McLean and Lieutenant Quinn, with their commands, had barely joined them, when the Indians opened the fight with a shower of balls, wounding one of the men.

General Connor had instructed McGarry to surround the ravine, and was himself at this moment awaiting the arrival of the infantry on the south side of the river. He had not anticipated so early a commencement of the fight, but leaving his orders to be given by his aid, he hastily crossed the river and joined McGarry. That officer finding it impossible with the two companies at his disposal to outflank the Indians, ordered them to advance as skirmishers. Up to this time the Indians had been tantalizing our troops by their appearance upon the benches over which it was necessary to pass, before an attack could be made from the east on their stronghold. At the approach of the skirmishing party they retreated under cover of the precipitous bank, where, entirely protected from our guns, they opened a galling and deadly fire, killing and wounding several of Connor's men. The General ordered his men to protect themselves as much as possible, and sent McGarry forward with a detachment to scale the mountain which enclosed the ravine on the north, and outflank the Indians on the left, while the companies on the benches attacked them in front.

At this stage of the fight, the most disastrous to our troops, Captain Hoyt arrived with the infantry on the south bank of the river. He had

heard the firing at a distance, and hurried forward his men, who in their eagerness for the fray, attempted to ford the river, but found it impossible. Wet and chilled they crossed the river on cavalry horses sent from the north side, and galloped up to the battle, just in time to enable McGarry, with their assistance, to complete his flanking movement. Captain Hoyt now came up with a portion of his men on the west side of the ravine, extending the cordon so as to form about three-fourths of a circle, embracing three sides of the Indian camp. The fight now became very brisk. By the enfilading fire from the east, west and north sides of the ravine, the Indians were gradually driven to the centre and south. Their stronghold proved a complete *cul de sac*, and they were completely at the mercy of the troops. Taken at this great disadvantage, and seeing their chiefs and head men falling around them, they fought with desperate bravery, moving slowly toward the mouth of the ravine on the west side of which General Connor had stationed a detachment of cavalry to cut off their retreat. The great slaughter occasioned by the incessant fire of the troops, at length broke the Indians' line. Each man sought how best to save himself. Many of them ran in the most disorderly manner

to the mouth of the ravine, where they fell in heaps before the deadly fire of the rifles. Some attempted to cross the river, but did not live to effect it. Others crawled into the willow clumps with the hope of escaping notice, but the troops were ordered to scour the bushes, and dislodge them. Many of these latter disclosed their places of concealment, by firing from them upon the troops, as if resolved to sell their lives as dearly as possible. The last Indian foe waited his opportunity. While Major Gallagher was leading a detachment into a thicket, the savage fired upon him. The ball passed through his left arm into his side. Again the Indian fired, and a cavalryman fell from his horse beside General Connor. The flash of his rifle revealed his hiding-place, and a volley from the detachment ended the bloody contest.

The details I have here given of this battle, while they sufficiently demonstrate the skill and bravery of the officers and men by whom it was fought, would be wanting in justice to them did I fail to mention other incidental facts connected with it, which entitle them to additional claims upon our gratitude and admiration. Few people who have never experienced a winter in the Rocky Mountains know how to appreciate the elemental

difficulties attending the march of such an expedition as this one of General Connor's. The sudden storms, the deep snows, the trackless wastes, the rapid, half-frozen mountain torrents, the lofty divides, the keen blasts, and the pinching nights, coupled with all the unavoidable demands which must encumber the movements of troops and artillery through a country that for most of the distance is entirely desolate, should give this expedition a conspicuous place among the remarkable events of our country's history. Seventy-four of the number engaged in it had their feet frozen by exposure. The night rides of the cavalry to overtake the infantry would furnish as thrilling a theme for song as any of the rides during our National struggle, which have been thus immortalized. The transportation of munitions, camp equipage and heavy artillery, through eighty miles of snow, which for most of the distance was unmarked by a road, over mountains, through cañons, and across unbridged streams, furnishes a chapter that can find no parallel in our former military experience. I mention them, that my readers may form some idea of the amount of labor and care necessary to carry such an enterprise through with success, and give the proper credit to those who accomplished it.

Through the kindness of General Connor I am enabled to give the names and rank of those who were killed and wounded. All the officers and men fought with great bravery. General Connor himself, during the entire four hours the battle was in progress, was always in the thickest of it, and seldom out of range of the deadly rifles of the Indians. The historian of the battle says, —

"General Connor exhibited high qualities of command, and his perfect coolness and bravery are the universal theme of praise. Possibly some might have been better pleased with less exposure of their commander, but I have the best authority for saying it was the call of duty, and not indifference."

The object of the fight was fully accomplished. Two hundred and sixty-seven Indians were killed, several of their leading chiefs among the number. Not fifteen escaped to tell the story of the battle.

This victory removed at once and forever the greatest impediment in the way of emigration to the new Territory and a safe exit from it for those who wished to return to their homes in the States. Previous to it people could not, with safety, pass in either direction except in large and strongly armed companies; and with certain exposure to the Indians on the one hand, and the robbers and

brigands on the other, with no other possible outlet for escape except by crossing the Territory to Fort Benton or over the Cœur D'Alene Mountains to Walla Walla, both very uncertain and dangerous routes, the inhabitants of the Territory were completely at the mercy of their assailants. No more fortunate event could have occurred at the time, than this successful extermination of a dangerous foe.

The lesson this battle taught the Bannacks, has never been forgotten. The instance of an attack by other bands upon the emigrants, has never been known since that day. It so reduced their tribe in number, that they have ever since been a broken and dispirited people. They are the vagrants of the mountains; as remarkable for their pusillanimity, as, in the days of Bonneville, they were for their bravery, and the commanding position they held among the mountain tribes.

The following is a list of the killed and wounded in the fight: —

SECOND CAVALRY, COMPANY "A."

Killed. — Privates, James W. Baldwin, George German.

Wounded. — Lieut. D. J. Berry; Privates, John W. Wall, James S. Montgomery, John Welsh, William H. Lake, William Jay.

Frozen. — Corporal Adolph Spraggle; Privates, John D. Marker, J. Kearney, Samuel L'Hommidieu, R. McNulty. G. Swan.

COMPANY "H."

Killed. — Privates, John K. Briggs, Charles L. Hallowell.

Wounded. — Capt. Daniel McLean, Sergeant James Cantillon;* Corporals, Philip Schaub and Patrick Frauley; Privates, Michael O'Brien,* H. L. Fisher, John Franklin, Hugh Connor, Joseph Clows, Thomson Ridge, James Logan, Bartele C. Hutchinson, Frank Farley.*

Frozen. — Sixteen names not obtained.

COMPANY "K."

Killed. — Privates, Lewis Anderson, Christian Smith, Shelbourne C. Reed, Adolphus Rowe, Henry W. Trempf.

Wounded.—Lieut. Darwin Chase,* Sergeant Sylvanus S. Longley, Corporal Benjamin Landis; Privates, William Slocum,* Albert N. Parker, John S. Lee, Walter B. Welton, Nath'l Kinsley, Patrick H. Kelly, Eugene J. Brady, Silas C. Bush, John Daly, Robert Hargrave, Morris Illig, Alonzo A. P. V. McCoy.

Frozen. — Sergeant Wm. L. Beach; Corporals, Wm. L. White and James R. Hunt; Privates, Stragder Ausby, Matthew Almone, David Bristow, Fred W. Becker, Nath'l Chapman, Sam'l Caldwell, Joseph Chapman, John G. Hertle, Chas. B. Howe, Joseph Hill, George Johnston, Jefferson Lincoln, Arthur Mitchell, James McKown, Alonzo R. Palmer, Charles Wilson.

COMPANY "M."

Killed. — Wagoner, Asa F. Howard; Privates, Geo. C. Cox, Geo. W. Hoton, Wm. Davis.

Wounded. — Sergeants, Anthony Stevens * and Lorin Robbins, Corporal L. W. Hughes; Privates, W. H. Wood, L. D. Hughes, J. Legget, E. C. Chase, F. Barcafer, R. Miller, M. Forbes, John Stevens, P. Humbert; Bugler, A. Hoffner.

Frozen. — Sergeant John Cullen; Corporals, A. P. Hewitt and Wm. Steel; Privates, W. W. Collins, James Dyer, John McGonagle, A. G. Case.

THIRD INFANTRY, COMPANY "K."

Killed. — Privates, John E. Baker, Samuel W. Thomas.

Wounded. — Major P. A. Gallagher; Sergeants, A. J. Austin and E. C. Hoyt; Privates, John Hensley, Thomas B. Walker.

* Died of wounds.

Frozen. — Sergeants, C. J. Herron and C. F. Williams; Corporals, Wm. Bennett, John Lattman, and John Wingate; Privates, Joseph German, James Urquhart, Wm. St. John, Algeray Ramsdell, James Epperson, A. J. T. Randall, Wm. Farnham, John Baurland, Giles Ticknor, Alfred Pensho, B. B. Bigelow, J. Anderson, F. Bacralso, F. Branch, A. L. Bailey, Wm. Carlton, D. Donahue, C. H. Godbold, J. Haywood, C. Heath, J. Manning, Wm. Way.

RECAPITULATION.

REGIMENT.	KILLED.	WOUNDED.	FROZEN.	TOTAL.
2nd Cavalry, Co. A . . .	2	6	6	14
2nd Cavalry, Co. H . . .	2	14	16	32
2nd Cavalry, Co. K . . .	5	15	19	39
2nd Cavalry, Co. M . . .	4	13	7	24
3rd Infantry, Co. K . . .	2	5	27	34
Total	—	—	—	—
	15	53	75	143

CHAPTER XXV.

ALDER GULCH.

DISCOVERY OF ALDER GULCH — DESCRIPTION OF THE PLACER AND SETTLEMENT OF IT — MURDER OF DILLINGHAM BY STINSON, LYONS AND FORBES — THEIR TRIAL — CONDEMNATION OF STINSON AND LYONS — ACQUITTAL OF FORBES — STRANGE ACQUITTAL, AND DEPARTURE OF STINSON AND LYONS, WHEN READY FOR EXECUTION.

EARLY in June, 1863, a company of miners, while returning from an unsuccessful exploring expedition, discovered the remarkable placer afterwards known as Alder Gulch. They gave the name of one of their number, Fairweather, to the district. Several of the company went immediately to Bannack, communicated the intelligence, and returned with supplies to their friends. The effect of the news was electrical. Hundreds started at once to the new placer, each striving to outstrip the other, in order to secure a claim. In the hurry of departure, among many minor accidents, a man whose body, partially con-

cealed by the willows, was mistaken for a beaver, was shot by a Mr. Arnold. Discovering the fatal mistake, Arnold gave up the chase and bestowed his entire attention upon the unfortunate victim until his death, a few days afterwards. The great stampede with its numerous pack-animals, penetrated the dense alder thicket which filled the gulch, a distance of eight miles, to the site selected for building a town. An accidental fire occurring, swept away the alders for the entire distance in a single night. In less than a week from the date of the first arrival, hundreds of tents, brush wakiups, and rude log cabins, extemporized for immediate occupancy, were scattered at random over the spot, now for the first time trodden by white men. For a distance of twelve miles from the mouth of the gulch to its source in Bald Mountain, claims were staked and occupied by the men fortunate enough first to assert an ownership. Laws were adopted, judges selected, and the new community were busy in up-heaving, sluicing, drifting, and cradling the inexhaustible bed of auriferous gravel, which has yielded under these various manipulations, a greater amount of gold than any other placer on the continent.

The Southern sympathizers of the Territory gave the name of Varina to the new town which

had sprung up in Alder Gulch, in honor of the wife of President Jefferson Davis. Dr. Bissel, one of the miners' judges of the gulch, was an ardent Unionist. Being called upon to draw up some papers before the new name had been generally adopted, and requested to date them at "Varina City," he with a very emphatic expletive, declared he would not do it, and wrote the name Virginia City, — by which name the place has ever since been known.

The road agents were among the first to follow in the track of the miners. Prominent among them were Cyrus Skinner, Jack Gallagher, Buck Stinson, and Ned Ray, — the last three as deputies of Plummer in the sheriffalty. Ripe for the commission of any deed, however atrocious, which gave the promise of plunder, jackal-like they watched the gathering crowd and its various industries, marking each and all for early and unceasing depredation.

The Hon. Washington Stapleton who had been at work in the Bannack mines from the time of their discovery, a miner named Dodge, and another man, each supposed to possess a considerable amount of gold, having determined to go to Virginia City, Dodge was privately informed by Dillingham, one of Plummer's deputies, on the

eve of their intended departure, that Buck Stinson, Hayes Lyons, and Charley Forbes had laid plans for robbing them on the way, and had requested him (Dillingham) to join them in the robbery. When the time for their going came, Dodge expressed his fear of an attack, and announced his determination to remain. His friends rallied him, until, smarting under their taunts, he revealed the information given by Dillingham. Stinson, Lyons, and Forbes heard of it, and determined to kill the informer. Stapleton left his companions, and started for Virginia City alone. At Rattlesnake he encountered Hayes Lyons, who rode up and asked him if he had heard of the robbery which Dillingham alleged had been planned against him. Stapleton replied in the negative; but when telling the story since, says that he has felt more comfortable even when sleeping in church, than when he saw that scoundrel approaching him. He told him, he says, that this was the first he had heard of it, adding, "If you want my money, I have only one hundred dollars in greenbacks. You had better take that, and let me go."

Lyons replied with an oath that the story was a lie, and that he was then on his way to kill Dillingham for putting such a story in circulation,

but he feared Dillingham had heard of his intention and left the country.

Stapleton accomplished his trip without molestation. Lyons and Forbes rode on to Virginia City, also, and finding Dillingham there, they, in company with Stinson, met the next day and arranged for his assassination.

A miners' court for the trial of a civil case was in session the following morning near the bank of the creek fronting the town. To the observation of a person unaccustomed to the makeshifts and customs of a mining community, the picture presented by this court of justice would have exhibited many amusing features — not the least of which was the place wherein it was held. The Temple of Justice was a wakiup of brush and twigs, gathered from the different coppices of willow and alder growing upon the banks of the creek, thrown together in conical form, and of barely sufficient capacity to accommodate the judge, clerk, parties, and jurors. Spectators were indebted to the interstices in this primitive structure, for a view of the proceedings; and as no part of the person except the eyes, was visible to those within, the appearance of those visual orbs bore no inapt comparison to a constellation in a brush heap.

Dr. Steele, president of the gulch, acted as judge. He united with much native good sense great modesty of demeanor. He was not a lawyer. On his trip from the States, while crossing the plains, an unfriendly gust had swept his only hat beyond recovery, and he came into Montana with his brows bound in a parti-colored cotton handkerchief, which, for want of something more appropriate, not obtainable at the stores, he had worn until some friendly miner possessing an extra hat presented him with it. Proving too small to incase his intellectual organs, the doctor had, by a series of indented slits encircling the rim, increased its elasticity, so that, saving a succession of gaps, through which his hair bristled "like quills upon the fretful porcupine," it answered the purpose of its creation. With this upon his head he sat upon the bench, an embodiment of the dignity, law, and learning of this little mountain judiciary.

In the progress of the trial, the defendant's counsel asked for a nonsuit, on account of some informality of service.

"A what?" inquired the judge with a puzzled expression, as if he had not rightly understood the word.

"A nonsuit," was the rejoinder.

"What's a — " The question partly asked, was left incomplete. The judge blushed, but reflecting that he would probably learn the office of a nonsuit in the course of the argument, he broke through the dilemma by asking, —

"Upon what ground?"

The argument followed, and the judge, soon comprehending the meaning of a nonsuit, decided that unless the defendant could show that he had suffered by reason of the informal service, the case must proceed. Some of the friends of the magistrate, seated near the door, understanding the cause of his embarrassment, enjoyed the scene hugely, and as it presented an opportunity for returning in kind some of the numerous jokes which he had played at their expense, one of them, thinking it too good to be lost, with much mock sobriety of manner and tone, arose and said, —

"Most righteous decision!"

All eyes were turned upon the speaker, but before they could comprehend the joke at the bottom, another arose, and with equal solemnity, exclaimed, —

"Most just judge!"

Dr. Steele, though embarrassed by this ill-timed jocularity, was so well satisfied with his

sagacity in finding out what a nonsuit meant, without betraying his legal unlearnedness, that the joke was taken in good part, and formed a subject of frequent merriment in after times.

Charley Forbes was the clerk of the court, and sat beside the judge taking notes of the trial. After the decision denying the motion, the plaintiff passed around a bottle of liquor, of which the court and jury partook. Not to be outdone, the defendant circulated a box of cigars. And it was while the spectators were giving expression in various forms to their approval of the decision, that Stinson and Lyons came into the court, and proceeding to the seat occupied by Forbes, engaged with him in a whispered conversation inaudible to the bystanders. After a few moments, Forbes suddenly rose in his place, and, with an oath, exclaimed, —

"Well, we'll kill the scoundrel then, at once," and accompanied Stinson and Lyons out of the wakiup. The audience, startled by the announcement, hurriedly followed. Dillingham had come over from Bannack in his capacity as deputy sheriff, to look for some stolen horses. He had come on the ground a moment before, in search of Mr. Todd, the deputy at Virginia City, for assistance.

An assemblage of a hundred or more miners

and others was congregated in and about the place where the court was in progress, — some intent upon the trial, others sauntering through the crowd and along the bank of Alder creek. The three ruffians, after a moment's conversation, approached in company the spot where Dillingham stood.

"We want to see you," said Lyons, addressing him. "Step this way a moment."

Stinson advanced a few paces, and looking over his shoulder said to his companions, —

"Bring him along. Make him come."

Dillingham waited for no second invitation. Evidently supposing that they had some matter of business to communicate, he accompanied them to an open spot not more than ten paces distant. There they all stopped, and facing Dillingham, with a muttered curse Lyons said to him, —

"Take back those lies," when with the quickness of thought, they drew their revolvers, — Charley Forbes at the same time exclaiming, "Don't shoot, don't shoot," — and fired upon him simultaneously. The groan which Lyon's ball drew from the poor victim as it entered his thigh, was hushed by the bullet of Forbes, as it passed through his breast, inflicting a mortal wound. He fell, and died in a few moments. Jack Gallagher,

who was in the plot, rushed up, and in his capacity as a deputy sheriff, seized the pistols of the three ruffians, one of which, while unobserved, he reloaded, intending thereby to prevent the identification of the villain who fired the fatal shot.

The deed was committed so quickly, that the bystanders hardly knew what had happened till they saw Dillingham stretched upon the ground in the death agony. The court broke up instantly, and the jury dispersed. Aghast at the bloody spectacle, for some moments the people surveyed it in speechless amazement. The ruffians meanwhile sauntered quietly away, chuckling at their own adroitness. They had not gone far, until several of the miners, by direction of Dr. Steele, arrested them. The re-action from terror to reason was marked by the adoption of vigorous measures for the punishment of the crime, and but for the calm self-possession of a few individuals, the murderers would have been summarily dealt with. An officer elected by the people, with a detail of miners, took them into custody, and having confined them in a log building, preparations were made for their immediate trial.

Here again, as at the trial of Moore and Reeves, the difficulty of a choice between a trial by the people, and by a jury of twelve, occasioned an

obstinate and violent discussion. The reasons for the latter, though strongly urged, were finally overcome by the paramount consideration that the selection of a jury would devolve upon a deputy sheriff who was in league with the prisoners, and, as it was afterwards ascertained, an accomplice in the crime for which they were arrested.

The people assembled *en masse* upon the very spot where the murder had been committed. Dr. Steele, by virtue of his office as president of the gulch, was appointed judge, and at his request Dr. Bissell the district judge and Dr. Rutar, associates, to aid with their counsel in the decisions of such questions as should arise in the progress of the trial. E. R. Cutler, a blacksmith, and James Brown acted as public prosecutors, and H. P. A. Smith, a lawyer of ability, appeared on behalf of the prisoners.

A separate trial was assigned to Forbes, because the pistol which Gallagher had privately reloaded, was claimed by him, a fact of which he wished to avail himself. In fact, however, the pistol belonged to Stinson. It was mid-day when the trial of Lyons and Stinson commenced. At dark it was not concluded, and the prisoners were put under a strong guard for the night. They were confined in a small, half-roofed, unchinked cabin,

overlooking Daylight creek, which ran through a hollow filled with willows. Dr. Six and Major Brookie had charge of the prisoners. Soon after dark their attention was attracted by the repeated shrill note of a night-hawk, apparently proceeding from the willows. After each note, Forbes commenced singing. This being noticed by the guard, on closer investigation they discovered that the note was simulated by some person as a signal for the prisoners. They immediately ordered Forbes to stop singing. He refused. They then proposed to chain the prisoners, they objecting, and Forbes remarking, —

"I will suffer death before you shall do it."

He receded, however, under the persuasion of six shot-guns drawn upon a line with his head, and in a subdued tone, said, —

"Chain me."

During the night Lyons sent for one of the citizens, who, under cover of the guns of the guard, approached and asked him what he wanted.

"I want you," said he, "to release Stinson and Forbes. I killed Dillingham. I came here for that express purpose. They are innocent. I was sent here by the best men in Bannack to kill him."

"Who sent you?" inquired the citizen.

After naming several of the best citizens of Bannack, who knew nothing of the murder until several days after it was committed, he added, —

"Henry Plummer told me to shoot him." It was afterwards proven that this was true.

Hayes Lyons was greatly unnerved, and cried a great part of the night; but Buck Stinson was wholly unconcerned, and slept sound.

The trial was resumed the next morning. At noon, the arguments being concluded, the question of "guilty or not guilty," was submitted to the people, and decided almost unanimously in the affirmative.

"What shall be their punishment?" asked the president of the now eager crowd.

"Hang them," was the united response.

Men were immediately appointed to erect a scaffold, and dig the graves of the doomed criminals, who were taken into custody to await the result of the trial of Forbes. This followed immediately; and the loaded pistol, and the fact that when the onslaught was made upon Dillingham, he called out, "Don't shoot, don't shoot," were used in evidence with good effect. When the question was finally put, Forbes, who was a young man of fine personal appearance, and possessed of good powers as a speaker, made a personal

appeal to the crowd, which so wrought upon their sympathies, and was so eloquent withal, that they acquitted him by a large majority. In marked contrast with the spirit which they exhibited a few hours before while condemning Stinson and Lyons to a violent death, the people, upon the acquittal of Forbes, crowded around him with shouts and laughter, eager to shake hands with and congratulate him upon his escape. Months afterwards, when the excitement of the occasion, with the memory of it, had passed from men's minds, Charley Forbes was heard vauntingly to say that he was the slayer of Dillingham. He was known to deride the tender susceptibilities of the people, who gave him liberty to renew his desperate career, and chuckle over the exercise of powers of person and mind that could make so many believe even Truth herself to be a liar. Among all the villains belonging to Plummer's band, not one, not even Plummer himself, possessed a more depraved nature than Forbes; and with it, few, if any, were gifted with as many shining accomplishments. He was a prince of cut-throats, — uniting with the coolness of Augustus Tomlinson, all the adaptability of Paul Clifford. On one occasion he said to a gentleman about to leave the Territory, —

"You will be attacked on your way to Salt Lake."

"You can't do it, Charley," was the reply. "Your boys are scattered, we are together, and will prove too many for you." Nevertheless, the party drove sixty miles over the mountains the first day out, and thus escaped molestation.

His early life was passed in Grass valley, California. While comparatively a youth, he was convicted of robbery. On the expiration of his sentence, he visited his old friends, and on his promise of reformation, they obtained employment for him in McLaughlin's gas works. For a while his conduct was unexceptionable, and he was rapidly regaining the esteem of all; but in an evil hour he indulged in a game of poker for money. From that moment he yielded to this temptation, until it became a besetting vice. Not long after he entered upon this career, he provoked a quarrel with one "Dutch John," who threatened to kill him.

Forbes told McLaughlin, saying in conclusion, "When Dutch John says so, he means it."

"Take my revolver out of the case," said McLaughlin, "put it in your breast-pocket, and defend yourself as occasion may require."

Forbes obeyed. Soon after, as he was passing

along with a ladder on his shoulder, an acquaintance said to him, —

"Dutch John is looking for you to kill you."

"So I hear," replied Forbes. "He'll find me sooner than he wants to."

A few rods farther on he saw John coming from the Magnolia saloon, where he had been looking for Forbes. Forbes sprang towards him, exclaiming with an oath, —

"Here I am," and immediately fired four shots at him. John fired once in return, and throwing up his hands in affright at the rapid firing of Forbes, ejaculated, —

"O mein Gott! will I be murdered?"

A bystander who had witnessed the meeting, and saw that John, who had expected an easy victory, was paralyzed with fear, called to him, —

"Turn your artillery loose!"

Forbes was tried for this crime, and acquitted. He was afterwards convicted of crime of some kind in Carson City, and imprisoned. On New Year's day he succeeded in removing his handcuffs, broke jail, and went to the sheriff's house, as he said upon entering, "to make a New Year's call." The officer returned him to prison. From this time, his career of crime knew no impediment.

On his first arrival in the mountains he corre-

sponded for some of the California and Nevada papers. His letters were highly interesting. His true name was Edward Richardson.

To return to Stinson and Lyons. After the demonstrations of joy at Forbes's escape had subsided, the people remembered that there was an execution on the *tapis*. Drawing up a wagon in front of the building where the criminals were confined, they ordered them to get in. They obeyed, followed by several of their friends, who took seats beside them. Lyons became almost uproarious in his appeals for mercy. The women, of whom there were many, began to cry, begging earnestly for the lives of the criminals. Smith, their lawyer, joined his petitions to those of the women, and the entire crowd began to give way under this pressure of sympathy. Meantime the wagon was drawn slowly towards the place of execution. When the excitement was at its highest pitch, a man demanded in a loud tone that the people should listen to a letter which Lyons had written to his mother. This document, which had been prepared by some person for the occasion, was now read. It was filled with expressions of love for the aged mother, regret for the crime, repentance, acknowledgments of misspent life, and strong promises of amendment, if only life

could be spared a little longer. Every sentence elicited fresh grief from the women, who now became perfectly clamorous in their calls for mercy to the prisoners. After the letter was read, some one cried out, in derision, —

"Give him a horse, and let him go to his mother."

Another immediately moved that they take a vote upon that proposition. Sheriff Todd, whose duty it was only to carry out the sentence of the court, consented to this, and the question was submitted to ayes and noes. Both parties claimed the victory. It was then agreed that those in favor of hanging should go up, and those opposed, down the side of a neighboring hill. Neither party being satisfied, as a final test, four men were selected, and those who wished the sentence enforced were to pass between two of them, and those who opposed, between the other two. The votes for liberty were increased to meet the occasion, by a second passage of as many as were necessary to carry the question. An Irish miner, while the voting was in progress, exclaimed in a loud voice, as a negro passed through the acquittal bureau, —

"Bedad, there's a bloody nagur, that's voted three times."

But this vote, dishonest as it was, settled the question; for Jack Gallagher, pistol in hand, shouted, —

"Let them go. They're cleared."

This was a signal for a general uproar, and amid shouts from both parties, expressive of the opinions which each entertained, some one mounted the assassins upon a horse standing near, which belonged to a Blackfoot squaw, and cutting the lariat, started them off at a gallop down the gulch. At this moment one of the guard pointed to the gallows, and said to another, —

"There stands a monument of disappointed justice."

Immediately after sentence of death had been passed upon Stinson and Lyons, Dr. Steele returned to his cabin, two miles down the gulch. The result of the trial had furnished him with food for sad reflection, — especially as the duty of passing the death sentence had devolved upon him. Other considerations followed in quick succession. He has since, when speaking of it, said that he never indulged in a more melancholy reverie, than while returning home from this trial. The youth of the convicts; their evident fitness, both by culture and manners, for any sphere of active business; the effect that their execution

must have upon distant parents and friends, — all these thoughts presented themselves in sad array before his mental vision; when, as he was about entering his cabin, a quick clatter of hoofs roused him, and turning to see the cause, he beheld the subjects of his gloomy reflections both mounted upon the Indian pony, approaching at the animal's swiftest pace. He had hardly time to recover from his surprise, and realize that the object was not a vision, until the animal with its double rider passed him, — and Lyons, nodding familiarly, waved his hand, accompanying the gesture with the parting words, —

"Good-by, Doc."

The body of the unfortunate Dillingham lay neglected upon a gambling table in a tent near by, until this wretched travesty was completed. Then a wagon was obtained, and, followed by a small procession, it was hurriedly buried. The tears had all been shed for the murderers.

"I cried for Dillingham," said one, on being told that his wife and daughters had expended their grief upon the wrong persons.

"Oh, you did," was the reply. "Well thought of. Who will pray for him? Will you do it, judge?"

Judge Bissell responded by kneeling upon the

spot and offering up an appropriate prayer, as the body of the unfortunate young man was consigned to its mother earth.

Soon after the murder of Dillingham, Charley Forbes suddenly disappeared. No one knew what became of him, but it was supposed that he had fallen a victim to the vengeance of his comrades for the course he had taken in securing for himself a separate trial. This supposition was afterwards confirmed by some of the robbers themselves, who stated that in a quarrel with Moore at the Big Hole river, Forbes was killed. Fearing that the friends of the murdered ruffian would retaliate, Moore killed Forbes's horse at the same time, and burned to ashes the bodies of horse and rider. This fact was known to Plummer only, at the time of its occurrence.

Dillingham was a straightforward, honest young man, and his office as deputy sheriff was given him, under the supposition that he would readily affiliate with the roughs. Lyons, Stinson, and Forbes, who were also deputies, supposed him to be as bad as they were. On my trip east in 1863, the Overland coach in which I had taken passage was detained a night by snow at Hook's Station in Nebraska. Ascertaining that I was from Bannack, a young man at the station asked me many

questions about Hayes Lyons, telling me that he had heard that he narrowly escaped hanging the previous summer. I narrated to him the circumstances attending the murder of Dillingham, and the trial.

"He is my brother," said the young man, and invited me to go with him and see his mother and sister. I learned that Hayes had been well brought up, but was the victim of evil associations. His mother wept while deploring his criminal career, which she ascribed to bad company.

Later in the winter I received a letter from the father of Dillingham, who resided at North Orange, New Jersey, inquiring after his son. I replied, giving the particulars of his son's death, and the trial and escape of his murderers, and of my subsequent meeting with the mother of Lyons. In the mean time, Lyons had been hanged.

The father was almost heartbroken at the intelligence of his son's death, but in his letter, written in a kindly and Christian spirit, he says: —

"While the shocking details of the sad narrative are inexpressibly distressing to us, it is a great alleviation to our grief to know that an act of manly virtue and honor was the superinducing cause that excited our son's murderers in their

bloody purpose. Death under such circumstances, so far as it relates to the poor sufferer himself, is praiseworthy in the highest degree, and inspires us with thankfulness to God for our son's integrity, and with humble trust that it may be overruled in infinite wisdom for our good; and is certainly a thousand times to be preferred by the afflicted survivors, to a knowledge of, compliance with, and successful prosecution of, the infamous scheme proposed. Our hearts truly and deeply sympathize with the sorrowing mother and family of the criminal young Lyons. Truly, indeed, may it be said that only God can assuage the poignancy of such sorrow as must fill their bosoms. May he sustain and comfort them.

"It is satisfactory to know that summary measures were finally, and in a good measure effectually, adopted by your citizens, for ridding their interesting region of country of these worse than savages. Retributive justice is almost invariably sure, sooner or later, to overtake all such heaven-daring outlaws. . . .

"Very sincerely yours,

"W. S. Dillingham."

CHAPTER XXVI.

VIRGINIA CITY.

Increase of Immigration — Settlement of Alder Gulch — Discovery of Smaller Gulches — Bivin's Gulch — Dempsey's and Daly's Ranches — Society in Virginia City — Sunday — Size of Territory — Distance from Capital — Arrival of D. S. Payne, U. S. Marshal — His Desire to have Virginia City represented — Offers the Writer the Selection of a Deputy Marshal — Question referred to Union League, which designates Plummer — Interview between Plummer and the Writer — Hauser's Opinion of Plummer — Plummer not nominated — Threatens the Writer — Method of conducting Robberies — Plummer's Popularity — Clubfoot George's Shop in Dance and Stuart's Store.

No longer in fear of attack by the Indians, immigrants had been steadily pouring into the Territory over the Salt Lake route during the month of June. Many came also over the mountains from Salmon river. The opportune discovery of Alder gulch relieved Bannack of a large and increasing population of unemployed

gold-hunters, who, lured by the overdrawn reports of local richness, had exhausted all their means in a long and perilous journey, to meet only disappointment and disaster at its close. Almost simultaneously with the settlement at Virginia City, other settlements lower down and farther up the gulch were commenced. Those below were known by the respective names of Junction, Nevada, and Central; those above, Pine Grove, Highland, and Summit. As the entire gulch for a distance of twelve miles was appropriated, the intervals of two or three miles between the several *nuclei* were occupied by the cabins of miners, who owned and were developing the claims opposite to them, so that in less than three months after the discovery, the gulch was really one entire settlement. One long stream of active life filled the little creek, on its auriferous course from Bald Mountain, through a cañon of wild and picturesque character, until it emerged into the large and fertile valley of the Pas-sam-a-ri. Pas-ṣam-a-ri is the Shoshone word for "Stinking Water," and the latter is the name commonly given in Montana to the beautiful mountain stream which was called by Lewis and Clarke in their journal, "Philanthropy River." Lateral streams of great beauty pour down the sides of the mountain chain bounding

the valley, across which they run to their union with the Pas-sam-a-ri, which, twenty miles beyond, unites with the Beaverhead, one of the forming streams of the Jefferson. Gold placers were found upon these streams, and occupied soon after the settlement at Virginia City was commenced. One of these at Bivin's gulch, in the mountains twelve miles from Virginia City, though limited in extent, was sufficiently productive to afford profitable employment to a little community of twenty or more miners. Twenty miles below Virginia City on the route to Bannack, a man by the name of Dempsey located a ranche, and built a large cabin for the accommodation of travellers. Seven miles above, and between that and Virginia City, another similar building for like purposes was owned by Peter Daly, and three miles above Daly's was another owned by Mr. Lorrain. These establishments are only important as they serve to locate occurrences connected with this history.

Of the settlements in Alder gulch, Virginia City was the principal, though Nevada, two miles below, at one time was of nearly equal size and population. A stranger from the Eastern States entering the gulch for the first time, two or three months after its discovery, would be inspired by

the scene and its associations with reflections of the most strange and novel character. This human hive, numbering at least ten thousand people, was the product of ninety days. Into it were crowded all the elements of a rough and active civilization. Thousands of cabins and tents and brush wakiups, thrown together in the roughest form, and scattered at random along the banks, and in the nooks of the hills, were seen on every hand. Every foot of the gulch, under the active manipulations of the miners, was undergoing displacement, and it was already disfigured by huge heaps of gravel, which had been passed through the sluices, and rifled of their glittering contents. In the gulch itself all was activity. Some were removing the superincumbent earth to reach the pay-dirt, others who had accomplished that were gathering up the clay and gravel upon the surface of the bed-rock, while by others still it was thrown into the sluice boxes. This exhibition of mining industry was twelve miles long. Gold was abundant, and every possible device was employed by the gamblers, the traders, the vile men and women that had come with the miners to the locality, to obtain it. Nearly every third cabin in the towns was a saloon where vile whiskey was peddled out for fifty cents a drink in

gold dust. Many of these places were filled with gambling tables and gamblers, and the miner who was bold enough to enter one of them with his day's earnings in his pocket, seldom left until thoroughly fleeced. Hurdy-gurdy dance-houses were numerous, and there were plenty of camp beauties to patronize them. There too, the successful miner, lured by siren smiles, after an evening spent in dancing and carousing at his expense, steeped with liquor, would empty his purse into the lap of his charmer, for an hour of license in her arms. Not a day or night passed which did not yield its full fruition of fights, quarrels, wounds, or murders. The crack of the revolver was often heard above the merry notes of the violin. Street fights were frequent, and as no one knew when or where they would occur, every one was on his guard against a random shot.

Sunday was always a gala day. The miners then left their work and gathered about the public places in the towns. The stores were all open, the auctioneers specially eloquent on every corner in praise of their wares. Thousands of people crowded the thoroughfares, ready to rush in any direction of promised excitement. Horse-racing was among the most favored amusements. Prize

rings were formed, and brawny men engaged at fisticuffs until their sight was lost and their bodies pommelled to a jelly, while hundreds of on-lookers cheered the victor. Hacks rattled to and fro between the several towns, freighted with drunken and rowdy humanity of both sexes. Citizens of acknowledged respectability often walked, more often perhaps rode side by side on horseback, with noted courtesans in open day through the crowded streets, and seemingly suffered no harm in reputation. Pistols flashed, bowie-knives flourished, and braggart oaths filled the air, as often as men's passions triumphed over their reason. This was indeed the reign of unbridled license, and men who at first regarded it with disgust and terror, by constant exposure soon learned to become part of it, and forget that they had ever been aught else. All classes of society were represented at this general exhibition. Judges, lawyers, doctors, even clergymen, could not claim exemption. Culture and religion afforded feeble protection, where allurement and indulgence ruled the hour.

Underneath this exterior of recklessness, there was in the minds and hearts of the miners and business men of this society, a strong and abiding sense of justice, — and that saved the Territory.

While they could enjoy what they called sport even to the very borders of crime, and indulge in many practices which in themselves were criminal, yet when any one was murdered, robbed, abused, or hurt, a feeling of resentment, a desire for retaliation, animated all. With the ingathering of new men, fear of the roughs gradually wore away, — but the desire to escape responsibility, to acquire something and leave in peace, prevented any active measures for protection; and so far as organization was concerned, the law and order citizens, though in the majority, were as much at sea as ever.

Previous to the organization of the Territory of Idaho on the 3d of March, 1863, all of that which is now Montana west of the Rocky Mountains, was part of Washington Territory, with Olympia on Puget Sound for a capital. All east thereof belonged to Dakota, the capital of which was Yankton on the Missouri, which by the nearest available route of travel, was two thousand two hundred miles distant. The existence of Bannack was not known there at that time, to say nothing of the impossibility of executing any Territorial laws, at such arm's-length, even if it had been. Our legal condition was not greatly improved by the organization of the new Territory

of Idaho. Lewiston, the capital, was seven hundred miles away, on the western side of the mountains. Eighteen months had passed since we became part of that Territory, before we received an authentic copy of the Territorial Statutes, and when they came we had been half a year in Montana.

In August, 1863, D. S. Payne, the United States Marshal of Idaho, came over from Lewiston to Bannack, to district the eastern portion of the Territory, and effect a party organization of the Republicans. Our people felt little interest in the measure. Some of the leading citizens had requested some time before, that I should make application in person for them, at the next session of Congress, for a new Territorial organization, east of the Cœur D'Alene Mountains. Payne was urgent for a representation of this part of the Territory in the Legislative Council, and as an inducement for me to consent to the use of my name as a candidate, offered to appoint any person whom I might name, to the office of Deputy United States Marshal in the east side district.

A Union League had been for some time in existence in Bannack, of which I was President. I asked the advice of the members in making the appointment, first cautioning them to ballot

secretly, as by that means those who otherwise would not support Plummer, who was known to be a candidate, would escape detection by him. Neither Mr. Rheem, the Vice-President of the League, nor myself, voted. The votes cast, about thirty in number, were unanimous for Plummer. Some one informed him of it. He expressed his gratification at the result, and told me that the confidence of the League in him should never be betrayed. I immediately informed him that he must not expect the appointment. He gave this reply a favorable interpretation, and even after it was repeated, turned upon his heel, laughing, and saying as he went, —

"It's all right, Langford. That's the way to talk it to outsiders."

Soon after this, in a conversation with Mr. Samuel T. Hauser, I informed him of the recommendation of the League. Hauser replied, —

"Whoever lives to see the gang of highwaymen now infesting the country broken up, will find that Henry Plummer is at the head of it."

Amazed at the expression of an opinion so much stronger than my own, I at once decided to reject the advice of the League, rather than incur the responsibility of recommending so dangerous a person for the office. Plummer heard of it, and

lost no time in asking an explanation, affecting to believe that I had promised to recommend him. We sat down upon an ox-shoeing frame, and talked over the whole matter. He had his pistol in his belt. I was unarmed. He said many provoking things, and used many oaths and epithets, in his attempt to provoke a quarrel, but all to no purpose. Finding that no excuse would be given him for a resort to violence, he arose, and as we parted, said, —

"Langford, you'll be sorry for this before the matter ends. I've always been your friend, but from this time on, I'm your enemy; and when I say this, I mean it in more ways than one."

These were the closing words of our last conversation. We met afterwards, but never spoke.

During that fall I was engaged in purchasing lumber at Bannack to sell at Virginia City, where no sawmills had yet been put in operation. The business required frequent trips between the two places; and the ride of seventy miles through a lonely country, whose surface alternated with cañons, ravines, foot-hills and mountains, afforded such ample opportunity for secret robbery and murder, that it required considerable ingenuity to throw the villains off the track. With the threat of Plummer hanging over me to be executed upon

the first favorable opportunity, my position was by no means an enviable one. I would send forward the loaded teams, which were four days on the trip, and on the morning of the fourth would follow, mounted on a good horse, and arrive in Virginia City the same evening. On my arrival my horse was immediately put in charge of a rancher, or person who made the care of horses a specialty. He would send it with a herd to a convenient grass range, where it would feed in the care of herders night and day until wanted. Then it was brought into town and delivered at the office of the rancher. The order for a horse was given the night before it was wanted, in order to have the animal ready the following morning.

George Ives, who turned out to be one of the most desperate of the gang of robbers, was the rancher's clerk at Virginia City. Whenever application was made for a horse, unless the applicant was on his guard, Ives could, by a careless inquiry, learn his destination. By communicating this to his confederates, they could pursue and rob, or kill the rider without delay or suspicion. To escape this system of espionage it was my custom, when ready to leave for Bannack or elsewhere, to send an order by a friend to the rancher or Ives, requesting him to let the bearer have the horse to go to

some point in an opposite direction from the place of destination. The friend would receive and mount the horse, and ride out of town, beyond observation, where I would meet him and go on my way. Thirty journeys of this kind were safely made between Virginia City and Bannack during the fall, none, however, without the precaution of carrying a pair of revolvers in my cantinas, and a double-barrelled gun across my saddle.

During a brief stay in Omaha several years ago, I met with Dr. Levitt, who was a resident of Bannack while Plummer dwelt there. He related the following incident, which is repeated here, for the insight it affords of Plummer's malignancy.

"One night in October, 1863," said the doctor, "I was walking along the roadway of Main Street in Bannack. The moon, obscured by clouds, shed a dim light, by which I could see for a few yards quite distinctly. As I passed your boarding-house, my attention was attracted by a noise at my left. I stopped, and on close observation saw a dark object under the window. My curiosity was excited to know what it could be. Judge of my surprise on approaching it to behold a man with a revolver in his hand, on his knees at the window, peering into the room

through a space of less than an inch between the curtain and the window casing. I watched him unobserved for some seconds. Disturbed by my approach, he sprang to his feet and darted around the corner of the building — but not so rapidly as to escape recognition.

"'Why, Plummer,' I exclaimed, 'what in the world are you doing there?'

"Seeing that he was known, he came forward, laughing, and replied, —

"'I was trying to play a joke on my friend Langford. He and Gillette board here, and I heard their voices.'

"I was puzzled to conceive what sort of a joke he was playing with a loaded revolver, but thought I had better not be too curious to ascertain. Plummer accompanied me home. He said that you and he were great friends; that you had done him many favors, and there was no person in the world he esteemed more highly. I thought nothing more of the matter, until I heard that Plummer had threatened your life for refusing to recommend his appointment as Deputy United States Marshal. I had no doubt then, and have none now, that he was trying to get a sight through the window for the purpose of shooting you. Your departure for Salt Lake a day or two

after I heard of your difficulty with him prevented me from informing you of it at the time."

Miners and others who had worked out or sold their claims, were almost daily leaving the country. Often it was known that they took with them large amounts of gold dust. Various were the devices for its concealment. On one occasion a small company contrived to escape plunder by packing their long, slim buckskin purses into an auger hole, bored in the end of their wagon tongue, and closing it so as to escape observation. Others, less fortunate, lost, not their money only, but their lives, in some of the desolate cañons on the long route to Salt Lake. Many left who were never afterwards heard of, and whose friends in the States wrote letters of inquiry to the Territory concerning them, years after they had gone. Whenever a robbery was contemplated which the freebooters supposed would be attended with unusual risk to themselves, Plummer's presence was required to conduct it. Knowing that his absence would excite suspicion, he arranged that for such occasions, he should be sent for, as an expert, to examine a silver lode. But few discoveries had at this time been made of this mineral, and Plummer's Nevada experience was thought to qualify him for

determining its value with considerable accuracy. A rough-looking prospector, dressed for the purpose, would ride into town, exhibit his specimens, and urge Plummer, who feigned reluctance, to go with him and examine his discovery, promising him a claim as an inducement. Often would unsuspecting citizens offer to aid Plummer in any work he might then have on hand to enable him to go out, and, under pretence of examining a silver lode, superintend the commission of a daring robbery. Sometimes this same object was accomplished by trumping up a charge against some imaginary delinquent, and obtaining a warrant for his arrest from the miners' judge, which Plummer, as sheriff, rode away to execute.

The following is one instance of Plummer's method of obtaining recruits. He called upon Neil Howie in the fall of 1863, whom he found hard at work mining, but barely earning a subsistence.

"Neil," said he, "this is a hard way to get a living."

"I know it," replied Howie.

"I can tell you of an easier way."

"I'd like to know it."

"There are plenty of men making money in this country," said Plummer, "and we are entitled to a share of it."

Doubtful as to his meaning, or whether he understood him aright, Howie regarded Plummer with a puzzled expression, making no reply.

"Come with me," said Plummer, "and you'll have all you want."

"You've picked up the wrong man," replied Howie.

"All right," said Plummer coolly. "I suppose you know enough to keep your mouth shut."

Howie remembered the fate of Dillingham, and heeded the admonition.

The placer at Alder gulch was immensely prolific. Probably its yield in gold dust was not less than ten millions of dollars before the close of the first year's work upon it. Money was abundant. Merchants and bankers were obliged to exercise great ingenuity and caution in keeping it, as there were no regular means for sending it out of the country. The only stage route was between Bannack and Virginia City, — and a stretch of unsettled country, four hundred and seventy-five miles in width, lay between the latter place and Salt Lake. There was no post-office in the Territory. Letters were brought from Salt Lake to Virginia City, first at a cost of two dollars and a half each, and later in the season at one dollar each. All money, at infinite risk, was

sent to the nearest express office at Salt Lake by private hands. In order to gain intelligence of these occasional consignments, Plummer induced some of the leading merchants to employ members of his gang. When this could not be effected, they were occupied so near and on such familiar terms, that they could observe without suspicion all business operations, and give him early notice of the transmission of treasure.

Dance and Stuart commenced business in Virginia City in the fall of 1863, with a large stock of goods. George Lane, better known as "Clubfoot George," whose history in the Salmon river mines I have already given, came to them with a pitiful story of his misfortunes, and asked for a place in their store for his shoemaker's bench. Though cramped for their own accommodation, they made room for him. He commenced work, meantime watching all their business operations, for the purpose of reporting when and by whom they sent money to their Eastern creditors.

CHAPTER XXVII.

COACH ROBBERIES.

WEALTH OF ALDER GULCH — RETURN OF MINERS TO THE STATES — ADAPTATION OF THE COUNTRY TO ROBBERY — "BUMMER DAN" — HIS CLAIM — SALE OF IT AND RETURN TO VIRGINIA CITY — HIS RUSE TO ESCAPE ROBBERY A FAILURE — ATTACK UPON THE COACH — ROBBERY OF "BUMMER DAN," PERCY, AND MADISON — BILL BUNTON A STOOL-PIGEON — QUARREL OF JASON LUCE AND SAM BUNTON — LUCE KILLS SAM BUNTON IN SALT LAKE CITY — HIS TRIAL AND EXECUTION.

THE placer at Alder gulch was so extensive, so easy of development and so prolific, that many of the miners who commenced work upon it in the early days of its discovery, fortunate in their acquisitions, and disgusted with their associations, were ready to return to the States in the fall. Failing in this, they knew that they would be doomed to a long winter of idleness, exposed to the privations incident to a new and isolated region, and to the depredations of a large and increasing criminal population. The hegira, at

first small, increased in numbers, so that by the first of November it could be numbered by hundreds, who were on their return to their old homes. Many — perhaps the greater portion — of those wayfarers travelled in the conveyances which brought them to the country; others on horseback; and a large number leaving Virginia City on one of the two lines of coaches for Bannack, trusted to chance for an opportunity to continue the journey beyond that place. How many of these persons fell victims to the road agents, on their long and perilous journey, it is impossible to tell; but the inquiries of relatives and friends for hundreds of them for months and even years after their departure, leave no chance for doubt that the villains drove a bloody and prosperous business.

Several of their most daring exploits occurred on the route between Virginia City and Bannack, a region admirably adapted to their purposes. Its frequent streams, cañons, mountain passes, rocky ledges, willow thickets, and deep embosomed valleys, afforded ample means of concealment, and advantages for attack upon passing trains, with very few chances for defence or escape. The robbers had their established points of rendezvous on the road, and worked in concert by a system

of horseback telegraphy, as unfailing as electricity. Whenever it was known that a person with money was about to leave by coach, a private mark was made upon the vehicle, which would be recognized wherever seen, at Daly's, Baker's, Dempsey's, or Bunton's, the several ranches where the coach horses were changed. Bunton, who kept the Rattlesnake ranche, was the same villain who was associated with Plummer in the shebangs near Walla Walla, of which an account has already been given.

When the approach of the coach was perceived at either of these changing stations, the herder in charge mounted his horse, and rode hurriedly off to drive up the horses for the next route, which were generally feeding in sight of the station. Sometimes they strayed off, and the coach would be delayed until they were found, but this was of infrequent occurrence. Precisely the same system was followed here as upon the plains in the days of the overland mail stages.

The horses in use when not of the cayuse breed, were bronchos, or wild horses from California, neither in quality nor breed suited for the service, unreliable, and easily broken down. They were driven very rapidly, and when their speed gave out were turned out as no longer

fit for use. As a consequence it was one of the chief difficulties of a stage proprietor to secure horses which would insure the punctuality of his trips. The trip between Virginia City and Bannack was ordinarily completed between the rising and setting of the sun.

Among the miners earliest to arrive and stake a claim in Alder gulch, was an Irishman by the name of Daniel McFadden, who soon became familiarized to the sobriquet of "Bummer Dan." Why he was thus designated was never known, but it may be presumed that he early developed some of the peculiarities, which, in the opinion of the people, justified it. He was fortunate in securing one of the richest claims in the gulch, and, making good use of his time, had saved two thousand dollars or more in dust by the middle of October. Having sold his claim, with this gold in his possession, he made preparations for a journey to Bannack. Securing it in buckskin purses, he put them in a larger bag, and by means of a strap across the shoulder, and a belt, contrived to conceal the treasure under his clothing, and carry it very conveniently. One raw, gusty day, toward the close of the month, he left Virginia City on foot, and walked down the valley to Dempsey's ranche, on the Stinking-

water, where he waited the arrival of Peabody & Caldwell's coach on its way to Bannack.

Owing to the sickness of the driver, William Rumsey was pressed into the service for the trip, and the coach left Virginia City at the usual hour in the morning, with Messrs. Madison, Percy, and Wilkinson, as passengers. One of the heavy snowstorms peculiar to this season and latitude set in soon after the coach was under way, and continued during the drive of the first ten miles, rendering their progress slow and cumbersome. At Baker's ranche the passengers were obliged to wait until the herder, who had been housed during the storm, could drive up the horses. He returned after an hour's search with an indifferent team, which was driven on a run to Dempsey's ranche, to recover the time lost by the delay. Here "Bummer Dan" took passage, and the same speed was maintained to "Point of Rocks," the locality known in Lewis and Clarke's travels as Beaver Head Rock. The wearied horses gave place here to a fresher team, which continued on a keen run to Bunton's ranche on the Rattlesnake. It was now sunset, and yet twelve miles to Bannack. The herder who had brought up the horses for the change at the usual hour, finding that the coach did not arrive on time,

had, under Bunton's orders, turned them out again, an hour before. Bunton pretended that he did not expect the coach. The herder was sent out immediately after the horses, and returned at dark with the report that he could not find them. Rumsey then requested "Little Frank," a Mexican boy in whom he had confidence, to go in search of the horses. He too soon returned with the report that they could not be found. This "Little Frank," a few weeks afterwards, told Rumsey that the horses were near at the time, but that before he started to look for them, Bunton told him that if he did not report them to be missing he would kill him.

A night with Bill Bunton was unavoidable, and the passengers at once determined to "make a night of it." Bunton entered into the spirit of the occasion with them. Whiskey was provided. They drank themselves hilarious, sang, related adventures, and caroused until daylight; but, to Bunton's disappointment, without becoming intoxicated, and never forgetting, meantime, their exposure to robbery, or the convenience of a revolver in the belt.

At daylight two herders were sent for the horses. One returned at eight o'clock, with the report that they could not be found. An hour

afterwards the other brought in the same horses that came with the coach the previous evening. "Necessity knows no law," and so with a pair of these for leaders, and two worn-out wheelers, the coach was soon declared ready for a start. Just at this time, Oliver's coach from Bannack drove up, *en route* for Virginia City, and fresh drinks were called for. In the mean time a rough by the name of Bob Zachary, who was going to Bannack with a couple of horses, insisted that Wilkinson should bear him company and ride one of them. They departed on a canter in advance of the coach, and were soon out of sight. Bunton, who had been distributing liquor among the passengers of the coaches, and trying to make himself generally agreeable, came out with the bottle and a tumbler to give Rumsey a drink.

"Wait a few minutes, Billy," said he, "and I will ride to Bannack with you. These passengers will be gone in a moment."

"Get up on the box with me," replied Rumsey. "These old 'plugs' at the wheel will need pretty constant whipping, and my exercise in that line yesterday has lamed my arm."

"I'm a good whipper," Bunton responded, laughing, "and if there's any 'go' in them, I can bring it out. They're a pair of 'played out'

wheelers that had been turned out to rest, and I think we'll fail to get them beyond a walk, — but we'll give them a try."

The weather was cold and blustering. The curtains of the coach were fastened down. Percy, Madison, and "Bummer Dan" got in, and Bunton mounted the box beside Rumsey. The horses began to weaken before they reached the crossing of the creek, less than a mile away. There the road entered the gulch. Bunton, who had succeeded, as he intended, in tiring the horses, surrendered the whip to Rumsey and got inside the coach. He knew what was coming. Rumsey whipped up the wheelers, but could not urge them into any faster gait. Cursing his "slow poke of a team," his eye caught the figures of two horsemen entering the gulch from a dry ravine a few rods in front of the coach. They were wrapped in blankets, with hoods over their heads, and armed with shotguns. Instantly the thought flashed through his mind that they were robbers.

"Look! boys, look!" he shouted. "See what's coming. Get out your arms. The road agents are upon us."

The eyes of every man in the coach were peering through the loopholes at the approaching bandits. Madison, the first to discover them, was

searching for his pistol, when the robbers rode up, and in broken Irish, and assumed tones, with their guns aimed at the coach, yelled, —

"Up with your hands every one of you."

This formula, always used, was generally concluded with an abusive epithet. Bill Bunton, who had a part to enact, threw up his hands and in an imploring voice, exclaimed, —

"For God's sake don't kill me. You are welcome to all my money, — only spare my life."

The other inmates raised their arms as commanded.

"Get out," shouted the robbers, "and hold up your hands. We'll shoot every man who puts his down."

The passengers descended hurriedly to the ground and stood with their arms upraised, awaiting further orders. Turning to Rumsey, who remained on the box holding the reins, the robbers ordered him to get down, and remove the arms from the passengers.

Not easily frightened, and anxious to escape a service so distasteful, Rumsey replied, —

"You must be fools to think I'm going to get down and let this team run away. You don't want the team. It can do you no good."

"Get down," said the robber spokesman with

an oath as he levelled his gun at Rumsey, "or I'll shoot the top of your head off."

"There's a man," said Rumsey, pointing to Bunton, "who is unarmed. Let him disarm the others."

"Oh!" replied Bunton in a lachrymose tone, "I'll hold the horses — I'll hold the horses, while you take off the pistols. Anything — anything, only don't shoot me."

"Go then, and hold the horses, you long-legged coward," said the robber; "and now," he continued, levelling his gun at and addressing Rumsey, "get down at once, and do as you've been ordered, or you'll be a dead man in half a minute."

The order was too peremptory to be disobeyed. Rumsey tied the reins to the brake-handle, and jumped to the ground.

"Now take them arms off," said the robber, "and be quick about it too."

Removing the two navy revolvers from "Bummer Dan," Rumsey sidled off slowly, with the hope of getting a shot at the ruffians; but they, comprehending his design, ordered him to throw them on the ground. As the choice lay between obedience or death, he laid them down, and was proceeding very slowly to remove the pistols from

the other passengers, with the hope that by some fortunate chance a company of horsemen or some friendly train would come to the rescue before the villains could complete their work.

"Hurry up there," shouted the robber. "Don't keep us waiting all day."

After the passengers were freed of their arms, and the arms piled up near the road agents, the speaker of the two ordered Rumsey to relieve them of their purses. Bunton, who had all the time been petitioning for his life, took out his purse, and throwing it towards Rumsey, exclaimed, —

"There's a hundred and twenty dollars, — all I have in the world. You're welcome to it, only don't kill me."

All this while, the men, not daring to drop their hands, directed Rumsey in his search for their purses. He had taken a sack of gold dust from Percy, one from Madison, and two from "Bummer Dan," and supposed his work to be completed.

"Have you got all?" inquired the robber.

"All I could find," replied Rumsey.

Turning to Madison, the robber asked, pointing to the sacks, —

"Is that all you've got?"

"No," said Madison, nudging his pocket with his elbow, "there's another in this pocket."

The road agent, in an angry manner, cursing Rumsey for trying to deceive him, ordered him to take it out: —

"Don't you leave nothing," was the stern, ungrammatical command.

Rumsey took the purse, and having added it to the pile, was about to resume his seat on the box.

"Where are you going?" shouted both the robbers.

"To get on the coach, you fools," retorted Rumsey. "You've got all there is, and we want to go on now."

"Go back there, and get the big sack from that Irish bummer," said one of the robbers; and pointing his pistol at Dan, he added, "You're the man we're after. Get that strap off your shoulder."

Poor Dan! His money was very dear to him, but his life was dearer. As he could not save both, he commenced at once to remove the strap. Rumsey came up, and tried to pull it out, but finding it would not come, stepped back, while Dan was engaged in unbuckling the belt.

"Jerk it off," shouted the robber, "or I'll shoot you in a minute."

"Give him time," interposed Rumsey: "you'll not kill a man when he's doing all he can for you."

"Well, hurry up, then, you awkward blackguard. We have no time to lose."

As soon as the belt was loosed, Dan drew forth a large, fringed, buckskin bag containing two sacks, which he handed to Rumsey, who tossed it on the heap.

"That's what we wanted," said the robber. "Now get aboard all of you, and get out of this as fast as you can; and if we ever hear a word from one of you, we'll shoot you on sight."

They obeyed with alacrity. Bunton resumed his seat beside the driver, and commenced whipping the horses, observing, as they rode off, that it was the hottest place he was ever in. At a turn in the road, Bunton looked back. The bandits had dismounted. One held the horses; the other was picking up the plunder, which, in all, amounted to twenty-eight hundred dollars. After gathering up their booty, the robbers galloped rapidly over the Indian trail leading to Bannack, arriving there in advance of the coach.

When intelligence of the robbery reached Bannack, public indignation was aroused, but the

time had not yet arrived for action. Had the robbers been recognized, they would have fared hard on their return to Bannack, but the people felt that it was better not to strike, than strike at random.

George Hilderman, one of the robber gang, was present at the express-office on the arrival of the coach, seemingly as much surprised as any one at the intelligence of the robbery. His real object, however, was to observe whether the passengers had recognized the ruffians. If so, he was to report it to them, that they might keep out of the way. "Bummer Dan," doubtless, had in his employ some person in the confidence of the robbers; otherwise, his efforts to avoid them might have been successful.

It was afterwards ascertained that Frank Parish and Bob Zachary were the men who committed the robbery. Bill Bunton, being in the secret, aided as much as possible in delaying the coach over-night at Rattlesnake, and supplying it with worn-out horses for the trip from his ranche to Bannack. "Bummer Dan" and Percy recognized the robbers, but were restrained by personal fear from exposing them.

No man in this company was more feared by the ruffians than Rumsey. They could not

frighten him, and no warning of his friends prevented him from fully expressing and ventilating his opinions concerning them. Nothing would silence his denunciations, but his death; and this being resolved upon by the robbers, they prepared to improve the opportunity afforded by his return to Virginia City, to accomplish it. It was so late in the day when he arrived at Dempsey's, that he concluded to pass the night there. Boone Helm, who had been awaiting his appearance, met him in the bar-room soon after his arrival, and invited him and other persons present to drink with him. Rumsey drank with the company two or three times. Helm called for more drinks.

"I've had enough," said Rumsey, declining to drink more.

"Take another, take another," said Helm. "It's good to keep the cold out."

"Not another drop," replied Rumsey: "I know my gauge on the liquor question, and never go beyond it."

"You *shall* drink again," said Helm, with an oath, casting a malicious glance at Rumsey.

"I *won't* drink again," was the immediate reply, "and no man can make me."

"No man can refuse to drink with me and

live," replied Helm, seizing his revolver as if to draw it.

Rumsey was too quick for him. Before the desperado could draw his pistol, Rumsey had his levelled at his head. Addressing him in a calm, steady tone, he said, —

"Don't draw your pistol, or I'll shoot you, sure."

The men gazed sternly upon each other for a minute or more, Helm finally loosing his grasp of his pistol, and saying, —

"Well, you're the first man that ever looked me down. Let's be friends."

The courage of Rumsey inspired the robber with a respect for him which probably saved his life, as no further molestation was offered him on his way to Virginia City.

Percy was the proprietor of a bowling alley in Bannack. The roughs, in frequenting his saloon, would leave their horses standing outside the door; and he had so often seen the animals and accoutrements of each, that he easily recognized the robbers by their horses and saddles. When the coach arrived, Percy saw Frank Parish take Henry Plummer to one side, and engage in conversation with him. In a few minutes, Plummer came to Percy, and asked him if he knew the robbers. Percy replied, —

"No; and if I did, I'd not be such a fool as to tell who they were."

Plummer tapped him on the shoulder, and replied, —

"You stick to that, Percy, and you'll be all right. There are about seventy-five of the worst desperadoes ever known on the west side of the mountains, in the country, in a band, and I know who they are."

Bunton, after this robbery, used occasionally to accost Percy in a playful manner, with such language as, "Throw up your hands;" or, "We were fools to be robbed, were n't we?" Percy, knowing that Bunton was one of the gang, soon tired of this; and one day at a race-course, when thus saluted, remarked, with unmistakable displeasure, —

"That's played out."

The words were scarcely uttered, when Bunton raised his pistol and fired at him. The ball grazed Percy's ear. Jason Luce, a driver of Mr. Oliver's express, stepped up and said to Bunton, —

"If you want to fight, why don't you take a man of your own size, instead of a smaller one?"

Later in the day, while intoxicated, Luce called Bunton a coward, in the presence of his brother, Sam Bunton. The latter whipped him severely

on the spot. Three days later, Luce carried the express to Salt Lake, Sam Bunton following four or five days thereafter. Luce met him at the Salt Lake House.

"We had," said he, addressing him, "a little difficulty in Bannack, and now we'll settle it."

"It's already settled," said Bunton.

"You're a liar," replied Luce, and drawing his knife cut Bunton's throat, killing him on the spot. Luce was arrested, tried, and found guilty of murder. By the Territorial statute of Utah, he was authorized to choose the mode of his execution, from the three forms of hanging, shooting, or beheading. His choice was to be shot, and he was executed in that manner.

Bill Bunton and Sam Bunton were natives of Ohio. Their parents moved to Andrew County, Missouri, in 1839, and thence to Oregon in 1842, when they were respectively sixteen and fourteen years old. The father was a rough, drinking, quarrelsome man, clever, but uneducated.

CHAPTER XXVIII.

LEROY SOUTHMAYD.

ATTACK UPON OLIVER'S COACH — LEROY SOUTHMAYD AND CAPTAIN MOORE ROBBED BY IVES, GRAVES, AND ZACHARY — SOUTHMAYD'S INTERVIEW WITH PLUMMER, AT BANNACK — GRAVES'S STORY TO CALDWELL — IVES'S BOASTS — ROBBERS FRUSTRATED IN THEIR DESIGNS UPON SOUTHMAYD ON HIS RETURN TO VIRGINIA CITY.

EARLY in the afternoon of a cold day late in November, 1863, Leroy Southmayd, Captain Moore, and a discharged driver known as "Billy" took passage in Oliver's coach at Virginia City, for Bannack. A ruffian equally well known by the cognomen of "Old Tex" and "Jim Crow" stood near, watching the departing vehicle. As Moore's eyes alighted upon him, he said to Southmayd, —

"I am sorry to see that rascal watching us; he belongs to the gang. It bodes us no good."

"Oh," replied Southmayd, laughing, "I think there's no danger. Robbery has 'played out.' These fellows are beginning to understand that

the people will hold them accountable for their villanies."

Little more was said about it, the conversation turning to more congenial topics. About three o'clock, the coach, which had made slow progress, drove up in front of Lorrain's, eleven miles from town. While Tom Caldwell, the driver, was changing horses, George Ives and Steve Marshland rode up, dismounted, and asked if they could procure a change of horses. Having ascertained that they could not do so, they ordered feed for those they had been riding, Ives in the mean time carefully avoiding Southmayd. The company fell into a desultory conversation, which Ives abruptly terminated by remarking that he had heard from "Old Tex."

"He is," said he, "at Cold Spring ranche. I must hasten on and overtake him."

The coach soon departed, and Ives and Marshland immediately ordered their horses, and riding rapidly, passed it a short distance below Lorrain's.

Cold Spring ranche was eight miles farther on the stage route. That "Old Tex," who was watching the coach when it left Virginia City, should be there, awaiting the arrival of these two ruffians, occasioned our passengers great uneasiness. They knew almost intuitively that a robbery

was in contemplation. When the coach arrived at Cold Spring, the first objects which met their gaze on alighting from it, were the three ruffians Ives, Marshland, and "Old Tex" in close conversation.

After a few moments' detention, Caldwell drove on to Point of Rocks, where the passengers remained until morning. Leaving at an early hour, they proceeded to Stone's ranche, and during their brief stay there, Ives, who had been joined by Bob Zachary and William Graves, known as "Whiskey Bill," made a *detour*, and passed the coach unperceived. The three gentlemanly solicitors of the road trotted slowly on towards Bannack. They were in complete disguise, each one incased in a blanket of green and blue. "Whiskey Bill" wore a silk hat, at that time, perhaps, the only one in the Territory. His sleeves were rolled above the elbows, and his face concealed behind a black silk handkerchief, through the eyelets in which his ferret eyes shone like a couple of stars, in partial eclipse. The gray horse he bestrode was enveloped in a blanket so completely, that only his head, legs, and tail were visible. The horses of his associates were similarly overspread. Ives was masked with a piece of gray blanket, and Zachary with a remnant of hickory

shirting. No one, unsuspicious of their presence, however familiar with their persons, would have recognized them.

The coach horses moved forward at their usual rapid rate, bringing the passengers in sight of the horsemen a little before eleven o'clock. Their attention was first attracted by the peculiar costume, and the gun which each man held firmly across his saddle-bow. As they approached them more nearly, Southmayd observed to Caldwell, the driver, —

"They're queer-looking beings, Tom, anyhow."

"They're road agents, Leroy! you may depend upon it," replied Caldwell.

"Well," said Southmayd, "I believe they are, but we can't help ourselves now."

As he said this, the leaders were nearly up with the horsemen. They rapidly wheeled their horses, and presented their guns, — Graves taking in range the head of Caldwell; Ives, that of Southmayd; and Zachary alternately aiming at Moore and Billy.

"Halt!" commanded Ives; "throw up your hands," and on the instant the arms of every man in the coach were raised.

"Get down, all of you," he added.

All but Southmayd jumped to the ground.

He lingered, with the hope that an opportunity might offer to fire upon them.

"Get down," repeated Ives, adding a sententious epithet to the command.

Still hesitating to comply, Ives glanced his eye along his gun-barrel as if to shoot, and in that subdued tone always expressive of desperation, once more issued the command.

Southmayd withstood it no longer, but while making a deliberate descent threw open his coat, thinking that an opportunity might offer for him to use his revolver. Ives, perceiving his object, levelled his gun, and hissed out, in words terribly distinct, —

"If you do that again, I'll kill you!"

The passengers stood with upraised hands by the roadside, under cover of the guns of the robbers. Addressing Zachary, Ives said, —

"Get down and look after those fellows."

This was an unwelcome task for Zachary. Villain as he was, Southmayd says that while he was engaged in searching his person, he quivered like an aspen. Throwing Southmayd's pistol and money on the ground, he was about to renew the search, when Billy, tired of the position, dropped his hands.

"Up with your hands again," roared Ives with

an oath, at the same time bringing the terrible muzzles to bear upon the person of the frightened driver. Billy, who felt that it was no time to bandy proprieties, threw them up with more speed than pleasure, realizing that the buck-shot were safer in the barrels than in his luckless carcass.

Zachary now commenced searching Moore, and, taking from his pocket a sack, inquired, —

"Is this all you have?"

"All I have in the world," replied Moore.

Zachary threw it on the heap and came to Billy.

"Give me your pistol," said he. Billy placed the weapon in his hands.

"Is it loaded?" inquired Ives.

"No," replied Billy.

"Give it to him again," said Ives to Zachary. "We don't want any empty weapons."

"My God!" exclaimed Caldwell, as Zachary next approached him. "What do you want of me? I have nothing."

"Let him alone," said Ives; and addressing Caldwell, he inquired, "Is there anything in the mail we want?"

"I don't think there is," answered Tom.

Zachary mounted the box, and commenced an examination, but found nothing. Caldwell

scanned the villain narrowly while thus employed, for the purpose, if possible, of recognizing him.

"Don't you do that, if you want to live," said Ives, rattling his gun into dangerous range.

"Well, then," said Tom impudently, "may I look at you?"

The robber nodded a ready assent, as much as to say, "Find me out, if you can."

The search over, Zachary picked up his gun, and stepped back.

"Get up and skedaddle," said Ives to the plundered group. The horses had grown restive while the robbery was progressing, but Tom had restrained them.

"Drive slowly, Tom," said Southmayd to Caldwell in an under-tone, as he ascended the box. "I want to reconnoitre a little," and turned his face to the robbers.

"Drive on," shouted Ives.

Southmayd still continued looking at the robbers as the coach departed, which Ives observing, the villain raised his gun, and yelled, —

"If you don't turn around and mind your business, I'll shoot the top of your head off."

The three robbers then stood together, watching the coach until it was lost to their view.

"By George!" said Leroy, laughing, "I looked

down into those gun-barrels so long that I thought I fairly saw the buckshot leap from their imprisonment. It would have afforded me pleasure to squander the bullets in my pistol, on the scoundrel."

Southmayd lost four hundred dollars in gold, and Captain Moore one hundred dollars in treasury notes. As was usual, quite a large number of people were awaiting the arrival of the coach, when it drove up to the express-office at Bannack. Inquiries were immediately made as to the cause of its detention so much later than common.

"Was the coach robbed to-day?" inquired Plummer of Southmayd, as he jumped from the box.

"It was," replied Leroy, taking him by the arm, and by his confidential manner signifying that he was about to impart to him, as sheriff, all he knew about it. Just at this moment, Dr. Bissell, the miners' judge at Virginia City, gave Southmayd a slight nudge, and catching his eye, winked significantly for him to step aside.

"Be careful, Leroy, — very careful what you say to that man."

Leroy gave an appreciative nod, and rejoined Plummer.

"So you have been robbed," said the latter.

"I'm not surprised, — and I think I can tell you who were the robbers."

"Who were they?" eagerly asked Southmayd.

"George Ives was one of them," said Plummer.

"Yes," responded Southmayd, "and the others were 'Whiskey Bill' and Bob Zachary; and I'll live to see them hanged before three weeks."

Southmayd did not know that Plummer's accusation was made for the purpose of detecting his knowledge of the robbers. Bissell, who had overheard Southmayd's revelation to Plummer, said to him soon after, —

"Leroy, your life isn't worth a cent."

George Crisman, who was standing by, added, —

"They'll kill you sure."

Business detained Southmayd in Bannack the succeeding three days. During that time he never met Plummer, who left him immediately after they held the conversation above narrated.

Two day afterwards, while on his way to Virginia City, Caldwell, the driver, met with "Whiskey Bill" at the Cold Spring ranche.

"Did you hear of the robbery, Bill, on my trip out?" he inquired.

"Sure, I did, Tom," replied Bill. "Do you know any of the fellows who committed it?"

"Not I," replied Caldwell, "and I wouldn't

for the world. If I did, and told of them, I shouldn't live long."

"That's so, Tom," rejoined Graves. "You wouldn't live twenty-four hours. It's always best to be ignorant in matters of that kind. I've had experience, and I know. I'll just tell you, by way of illustration, about my being robbed in California. One night as my partner and I were riding along, two fellows rode up and told us to throw up our hands. We did so, and they took from us two thousand dollars in coin. I said to 'em, 'Boys, it's pretty rough to take all we've got.' They said so it was, and gave us back forty dollars. A week afterwards I saw 'em dealing faro. One of 'em saw me looking at him, and arose and came up to me, and said in a whisper, 'Ain't you one of the men that was robbed the other night?' — 'Not at all,' says I, for I thought if I said 'yes' he would find a way to put me out of the way. 'Oh, well,' says he, 'honor bright! I want you to own up. I know you're the man. Now, I'm going to give you four thousand dollars, just for keeping your mouth shut.' And he kept his promise. So you see, Tom, that I saved my life, and got four thousand dollars for keeping still."

Tom wished somebody would treat him so, but

when telling the story, said that he "lacked confidence in human nature, especially where the road agents were concerned." He even ventured the assertion that he "did not believe Graves's story, anyway."

Ives went to Virginia City the day following the robbery. While in a state of intoxication at one of the fancy establishments, he boasted openly of having made Tom Caldwell throw up his hands, and that he intended to do it again. Talking of the robbery with one of the drivers, he said, —

"I am the Bamboo chief that committed that robbery."

"Don't you believe Caldwell knows it?" inquired the driver.

"Certainly he knows it," replied Ives. "He recognized me at once."

As Ives and the driver were riding side by side into Virginia City, on their return from Nevada, the driver saw Caldwell approaching. He motioned him to keep away. Caldwell turned and went away, and was afterwards told that Ives knew he had recognized him in the robbery, and would probably kill him on sight. The driver, who expected that Ives would shoot at Caldwell, had his revolver in readiness to shoot him at the

time alluded to, in case Ives manifested such a design.

Meantime, Southmayd, having finished his business at Bannack, was ready to return to Virginia City by the next coach. His friends were importunate for him to remain. On the day he was to leave, Buck Stinson and Ned Ray, on being told of it at the express-office, avowed their intention of accompanying him. The agent then searched for Southmayd, and said to him, —

"For God's sake, Leroy, don't go. These fellows mean to kill you."

"I've got to go," replied Southmayd; "and if you'll get me a double-barrelled shot-gun, I'll take my chances." The agent complied with this request, and the coach left Bannack with Southmayd, Stinson, Ray, and a lad of sixteen years for passengers, and Tom Caldwell the driver. The coach was an open hack. Southmayd sat on the driver's seat with Caldwell, and the boy took the back seat, and facing him were Stinson and Ray on the middle seat. Southmayd said to the boy on starting, —

"If we have any trouble, do you shoot, or I'll shoot you."

"You may be sure I'll do it, too, Southmayd," said the boy. "I'm not afraid of them."

Southmayd kept watch of the two robbers. The drive through the day was undisturbed, until the coach reached the crossing of the Stinking-Water. In the three persons standing in front of the station, Southmayd recognized Bob Zachary, Bill Graves, and another noted rough known as Alex Carter. Stinson shouted, addressing them as road agents. Each was fully armed with gun, pistol, and knife. Southmayd whispered to Caldwell, —

"Tom, I guess they've got us."

"That's so," replied Caldwell.

Caldwell drove on to Cold Spring station followed by the three roughs on horseback, who soon came up. This was the supper station. Two of the robbers left their guns at the door. Carter's was strung upon his back. They entered the house in a boisterous manner, with Zachary, feigning drunkenness, in their lead.

"I'd like," said that ruffian with brutal emphasis and gesture, "to see the man who don't like Stone." The banter was made for the purpose of exciting a quarrel. "Just show me the man that don't like him, or let any man here just say he don't like him, if he wants a healthy fight on his hands," blustered the villain.

No one replied. Seemingly every one present

entertained a high opinion of Mr. Stone. Failing to rouse a quarrel, he ordered "drinks all round," bought a bottle of whiskey, and preserved the swagger and braggadocio of a drunken ruffian through supper time.

After supper, and while preparing to leave, Southmayd said privately to Caldwell, —

"Tom, I see through it all. You must take Stinson on the seat with you. I'll sit behind and watch him, and the boy can watch Ray."

When ready to start, and this arrangement was made known to Buck Stinson, he did not relish it, and said, —

"I don't want to ride up there."

"Well, you will," replied Southmayd sternly, pointing to the seat.

"This is pretty rough, isn't it?" said Stinson with an oath, as he mounted to the seat.

The three mounted ruffians, Zachary, Graves, and Carter, started on in advance of the coach. Southmayd and the boy sat with their guns across their knees, watching the motions of their suspected companions. It was near nightfall. Less than half a mile distant from the station, the robbers, who had been riding at an even pace, suddenly wheeled, and in a loud tone gave the command to halt, simultaneously with which,

Southmayd levelled his gun upon Carter, and Caldwell and the boy theirs on the other two ruffians.

Carter, stammering with alarm, made out to say, "We only want you to take a drink."

The bottle was passed around, Southmayd and Caldwell barely touching it to their lips. Handing it to the boy, Southmayd gave him an admonitory touch with his foot, — comprehending which, he did not drink. As Carter had not drunk from the bottle, Southmayd feared that the liquor had been poisoned. Returning the bottle, the roughs who received it inquired politely if they did not want any more. The three then wheeled their horses, exclaiming, —

"We're off to Pete Daly's," and, clapping spurs to their horses, they were soon out of sight.

The coach went on six miles, passed Daly's ranche, and drew up at Lorrain's. From this ranche to Virginia City, the road for most of the distance is rough, narrow, and lies through the cañon of Alder Gulch. Nature never formed a fitter stretch of country for successful robbery. Of this our passengers were fully aware, and, anticipating that the designs of the robbers must culminate on this part of the route, Southmayd

took Caldwell aside to consult as to the proper course to pursue.

"It's a rough night's work, Tom," said Southmayd, "but the worst is to come. If they attack us in the cañon, there is no possible chance for escape."

"They'll do it, sure," replied Caldwell. "It's only driving into their hands to attempt to go on to-night. Let's leave the coach here and take to the brush. We may then avoid them; or if we meet, it will be where the chances are equal."

Buck Stinson, who had been on the watch for some new arrangement, overheard this conversation. Anxious as he was that the robbery and murder should take place, he knew that if the men escaped, as they assuredly would by the means contemplated, they would bring the whole community of Virginia City on the track of himself and his fellow ruffians. This must be avoided, even though they were frustrated in their design. So he stepped forward, and said to Southmayd and Caldwell in his blandest manner, —

"Gentlemen, I pledge you my word, my honor, and my life, that you will not be attacked between this place and Virginia City."

"If you mean that," replied Southmayd, "we

will go on ; but if we are attacked, we will certainly make it hot for some of you."

Soon after the horses started, Stinson commenced singing in a very loud voice, and continued to do so without intermission until nearly exhausted. Then, at his request, Ray took up the chorus and kept it up until their arrival in Virginia City. This was a signal to the robbers to keep away. Had the singing ceased, the attack would have been made. Ray called on Southmayd the next day, and warned him, as he valued his life, to mention the names of none of those among the ruffians whom he had recognized, as the ones who robbed him while on his way to Bannack.

END OF THE FIRST VOLUME.

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